

PUBLIC ACTS

[No. 1]

(SB 730)

AN ACT to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 4, 6, 504, 605, 701, 859, 861, 1296, 1311, 1311g, 1321, 1701, 1701a, 1711, 1723, 1724, 1751, 1752, 1756, 1757, and 1761 (MCL 380.4, 380.6, 380.504, 380.605, 380.701, 380.859, 380.861, 380.1296, 380.1311, 380.1311g, 380.1321, 380.1701, 380.1701a, 380.1711, 380.1723, 380.1724, 380.1751, 380.1752, 380.1756, 380.1757, and 380.1761), section 4 as amended by 2005 PA 61, sections 6, 701, 859, 861, and 1724 as amended by 2003 PA 299, sections 504 and 1701a as amended by 1994 PA 416, section 605 as amended by 1985 PA 86, section 1311 as amended by 2007 PA 138, section 1311g as amended by 2007 PA 21, section 1321 as amended by 1990 PA 163, section 1723 as amended by 2004 PA 415, and section 1752 as added by 2006 PA 186, and by adding section 504c; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

380.4 Definitions; E to I.

Sec. 4. (1) “Educational media center” means a program operated by an intermediate school district and approved by the state board that provides services to local school districts or constituent districts under section 671.

(2) “Intermediate school board” means the board of an intermediate school district.

(3) “Intermediate school district” means a corporate body established under part 7.

(4) “Intermediate school district election” means an election called by an intermediate school board and held on the date of the regular school elections of constituent districts or on a date determined by the intermediate school board under the Michigan election law.

(5) “Intermediate school elector” means a person who is a school elector of a constituent district and who is registered in the city or township in which the person resides.

(6) “Intermediate superintendent” means the superintendent of an intermediate school district.

380.6 Definitions; S, T; “department” defined.

Sec. 6. (1) “School district” or “local school district” means a general powers school district organized under this act, regardless of previous classification, or a school district of the first class.

(2) “School district filing official” means the school district election coordinator as defined in section 4 of the Michigan election law, MCL 168.4, or an authorized agent of the school district election coordinator.

(3) “School elector” means a person qualified as an elector under section 492 of the Michigan election law, MCL 168.492, and resident of the school district or intermediate school district on or before the thirtieth day before the next ensuing regular or special school election.

(4) “School month” means a 4-week period of 5 days each unless otherwise specified in the teacher’s contract.

(5) “Special education building and equipment” means a structure or portion of a structure or personal property accepted, leased, purchased, or otherwise acquired, prepared, or used for special education programs and services.

(6) “Special education personnel” means persons engaged in and having professional responsibility for students with a disability in special education programs and services including, but not limited to, teachers, aides, school social workers, diagnostic personnel, physical therapists, occupational therapists, audiologists, teachers of speech and language, instructional media-curriculum specialists, mobility specialists, teacher consultants, supervisors, and directors.

(7) “Special education programs and services” means educational and training services designed for students with a disability and operated by local school districts, local act school districts, intermediate school districts, the Michigan schools for the deaf and blind, the department of community health, the department of human services, or a combination of these, and ancillary professional services for students with a disability rendered by agencies approved by the state board. The programs shall include vocational training, but need not include academic programs of college or university level.

(8) “Special school election” or “special election” means a school district election to fill a vacancy on the school board or submit a ballot question to the school electors that is held on a regular election date established under section 641 of the Michigan election law, MCL 168.641.

(9) “State approved nonpublic school” means a nonpublic school that complies with 1921 PA 302, MCL 388.551 to 388.558.

(10) “State board” means the state board of education unless clearly otherwise stated.

(11) “Student with a disability” means that term as defined in R 340.1702 of the Michigan administrative code.

(12) “Department” means the department of education created and operating under sections 300 to 305 of the executive organization act of 1965, 1965 PA 380, MCL 16.400 to 16.405.

(13) “State school aid” means allotments from the general appropriating act for the purpose of aiding in the support of the public schools of the state.

(14) “The state school aid act of 1979” means the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.

380.504 Location; operation at other than single site; discrimination prohibited; enrollment; grades offered.

Sec. 504. (1) A public school academy may be located in all or part of an existing public school building. A public school academy shall not operate at a site other than the single site

requested for the configuration of grades that will use the site, as specified in the application required under section 502 and in the contract.

(2) A public school academy shall not charge tuition and shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a public school academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

(3) Except for a foreign exchange student who is not a United States citizen, a public school academy shall not enroll a pupil who is not a resident of this state. Enrollment in the public school academy may be open to all individuals who reside in this state who meet the admission policy and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 502(2)(a) to (c) who meet the admission policy, except that admission to a public school academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 502(2)(c), shall be open to all pupils who reside in the county in which the federal military installation is located. For a public school academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy. If there are more applications to enroll in the public school academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a public school academy may give enrollment priority to a sibling of a pupil enrolled in the public school academy. A public school academy shall allow any pupil who was enrolled in the public school academy in the immediately preceding school year to enroll in the public school academy in the appropriate grade unless the appropriate grade is not offered at that public school academy.

(4) A public school academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. If specified in its contract, a public school academy may also operate an adult basic education program, adult high school completion program, or general education development testing preparation program. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.

380.504c Transfer of public school academy students to another public school.

Sec. 504c. With the approval of its authorizing body, a public school academy may transfer its enrolled pupils to another public school. A public school academy that transfers its pupils under this section may also transfer its property, including, but not limited to, property described in section 18b of the state school aid act of 1979, MCL 388.1618b, to the other public school that receives the transferred pupils. If a public school academy transfers its pupils to another public school under this section, all of the following apply:

(a) The other public school may give enrollment priority to these pupils, in addition to any other enrollment priority it may give under this act.

(b) A pupil who is transferred is not required to actually enroll in the other school, but may exercise any educational choice allowed under law.

380.605 Reorganized school district as constituent to intermediate school district; transfer of constituent district; resolution; approval; inaction or denial of transfer; appeal; voting as to acceptance of special education programs, area vocational-technical education programs, or bonded indebtedness for facilities; levying debt retirement taxes.

Sec. 605. (1) If constituent districts of more than 1 intermediate school district are reorganized into a single school district, the reorganized school district shall be constituent to

the intermediate school district designated by the board of the reorganized school district. If a decision is not reached within 30 days after the effective date of the reorganization of the constituent districts, the determination shall be made by the superintendent of public instruction.

(2) A constituent district, by resolution of its board, may transfer and become constituent to another contiguous intermediate school district if approval is given by each intermediate school board affected. The intermediate school board shall take final action within 60 days after receiving a resolution. If an intermediate school district from which a constituent district wishes to transfer has fewer than 4,000 constituent district pupils and fails to take action or denies a transfer, the inaction or decision may be appealed to the superintendent of public instruction using the procedures described in section 971. If the intermediate school district to which transfer is proposed has adopted by referendum a program for financing special education programs for students with a disability, or has bonded indebtedness outstanding for special education building facilities, the school electors of the constituent district to be transferred shall vote on the acceptance of those sections and the assumption of the district's pro rata share of bonded indebtedness outstanding for special education facilities for students with a disability.

(3) If the intermediate school district to which transfer is proposed has established an area vocational-technical education program by referendum, or has bonded indebtedness outstanding for area vocational-technical education facilities, the school electors of the district to be transferred shall vote on the acceptance of those sections and the assumption of the district's pro rata share of bonded indebtedness outstanding for area vocational-technical education facilities.

(4) The transfer is effective only if the applicable issues relating to special education programs, area vocational-technical education programs, and bonded indebtedness for special education and area vocational-technical facilities are approved at an election in the constituent district proposing transfer at which all applicable issues are submitted and receive favorable majorities.

(5) The territory of a constituent district of an intermediate school district having bonded indebtedness for special education facilities or area vocational-technical education facilities that is transferred to another intermediate school district shall remain as a part of the intermediate school district from which transferred for the purpose of levying debt retirement taxes for the bonded indebtedness until the bonds are redeemed or sufficient funds are available in the debt retirement funds for that purpose. The transferred constituent district shall be a constituent district of the intermediate school district to which transferred for all other purposes.

380.701 Combining adjoining intermediate school districts to form single intermediate school district; resolution; submission of question to electors; petitions; form of ballot; effective date of reorganization; interim board; superintendent; reorganization meeting; election of board; auditing accounts; contracts; special education programs; annual property tax rates.

Sec. 701. (1) Two or more adjoining intermediate school districts may combine to form a single intermediate school district when the reorganization is approved by a majority of the school electors of each intermediate school district voting on the question in the regular school elections of the constituent districts.

(2) The question of combining intermediate school districts may be submitted by a resolution of the intermediate school boards meeting in joint session.

(3) The question shall be submitted if petitions signed by a number of school electors of each intermediate school district equal to not less than 5% of the number of pupil memberships on the latest pupil membership count day of the combined constituent districts of the

intermediate school district are filed with the school district filing official. Within 30 days after receiving sufficient petitions, the school district filing official shall notify the secretary of the intermediate school district and the secretary shall apply for approval to the superintendent of public instruction. The school district filing official shall submit the question in accordance with section 661 at the next regular school election after the superintendent of public instruction approves the merger.

(4) The ballots for a ballot question under this section shall be in substantially the following form:

“Shall the following intermediate school districts be organized as a single intermediate school district?

(List names of intermediate school districts)

Yes ()

No ()”.

(5) If the consolidation is approved by a majority of the school electors voting on the question in each of the participating intermediate school districts, the reorganization is effective in the combined intermediate school districts 30 days after the regular school election at which the question is submitted. The reorganized intermediate school district is a single intermediate school district subject to this part.

(6) The members of the intermediate school boards of the original intermediate school districts shall act as an interim board until a board of the combined intermediate school district is elected. The interim board has all the powers and duties of an intermediate school board under this part. The person chosen by the interim intermediate school board as intermediate superintendent shall serve only until a successor is chosen by the elected intermediate school board. The secretary of the intermediate school board having the largest number of pupils in membership in its combined constituent districts at the time of reorganization shall call a meeting of the members of the interim intermediate school board for the purpose of organization within 15 days after the effective date of the reorganization. The school district filing official shall provide for the election of a board of the reorganized intermediate school district under chapter XIV of the Michigan election law, MCL 168.301 to 168.316. At the first election, there shall be elected 3 members of a board for 6 years, 2 for 4 years, and 2 for 2 years. Their successors shall be elected biennially for terms of 6 years.

(7) The reorganized intermediate school district shall operate as a single intermediate school district from the effective date of the reorganization. Within 10 days after the reorganization, all accounts of the reorganized intermediate school districts shall be audited in the manner established by the interim intermediate school board. The contracts of the intermediate superintendents in force on the effective date of reorganization continue in effect until the time of their termination except as to position as intermediate superintendents.

(8) If, before reorganization of the intermediate school districts each of the combining intermediate school districts adopted special education programs by referendum as provided in part 30 and approved the same annual property tax rates for the education of students with a disability, the special education programs and the annual property tax rates shall continue in effect in the reorganized intermediate school district.

380.859 Form of ballot question; affirmative vote of majority required; effective date of consolidation; reimbursements; expenses.

Sec. 859. (1) The ballot question shall be in substantially the following form:

“Shall the territory of the following school districts be united to form 1 school district?

(Names of school districts to be consolidated listed here)

Yes ()

No ()”.

(2) The affirmative vote of a majority of the school electors voting on the question in each of the election units is necessary to effect the consolidation of the school districts. The consolidation takes effect July 1 after the election.

(3) If the consolidation becomes effective, expenses incurred for the election in each election unit shall be certified to the board of the consolidated school district. The school board of the consolidated school district shall pay election reimbursements from the funds of the consolidated school district. If the proposition to consolidate is not approved, the intermediate school board shall determine the expenses of the election held in the election unit operating less than 12 grades and apportion the required reimbursements equally among the school districts of the election unit. Each school board of the election unit shall pay the apportionment to the local unit of government that conducted the election.

380.861 Appointment of board; filing acceptance of office and affidavit of eligibility; election and terms of board members.

Sec. 861. Within 10 days after the date of the official canvass of the consolidation election, the intermediate school board of the intermediate school district containing the territory of the consolidated school district shall appoint school electors of the school district in the number required by section 11a to act as a board for the school district. This board shall continue to operate the affected school districts as separate school districts until the effective date of the consolidation. If a consolidated school district includes territory in more than 1 intermediate school district, the appointment shall be made by the intermediate school board of each intermediate school district acting jointly as a single board. Within 7 days after appointment, each member shall file with the intermediate superintendent an acceptance of the office, accompanied by a written affidavit setting forth the fact of eligibility for office. Each appointed board member shall hold office until January 1, or, if the consolidated school district's regular election is in May, until July 1, next following appointment. A new board shall be elected at the first regular school election held after the effective date of consolidation in the manner prescribed by law for the election of a first board.

380.1296 Auxiliary services for pupils in nonpublic schools; use of state school aid; scope of auxiliary services; rules.

Sec. 1296. The board of a school district that provides auxiliary services specified in this section to its resident pupils in the elementary and secondary grades shall provide the same auxiliary services on an equal basis to pupils in the elementary and secondary grades at nonpublic schools. The board may use state school aid to pay for the auxiliary services. The auxiliary services shall include health and nursing services and examinations; street crossing guards services; national defense education act testing services; teacher of speech and language services; school social work services; school psychological services; teacher consultant services for students with a disability and other ancillary services for students with a disability; remedial reading; and other services determined by the legislature. Auxiliary services shall be provided under rules promulgated by the superintendent of public instruction.

380.1311 Suspension or expulsion of pupils.

Sec. 1311. (1) Subject to subsection (2), the school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil is a student with a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with section 1711.

(2) If a pupil possesses in a weapon free school zone a weapon that constitutes a dangerous weapon, commits arson in a school building or on school grounds, or commits criminal sexual conduct in a school building or on school grounds, the school board, or the designee of the school board as described in subsection (1) on behalf of the school board, shall expel the pupil from the school district permanently, subject to possible reinstatement under subsection (5). However, a school board is not required to expel a pupil for possessing a weapon if the pupil establishes in a clear and convincing manner at least 1 of the following:

(a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.

(b) The weapon was not knowingly possessed by the pupil.

(c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.

(d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

(3) If an individual is expelled pursuant to subsection (2), the expelling school district shall enter on the individual's permanent record that he or she has been expelled pursuant to subsection (2). Except if a school district operates or participates cooperatively in an alternative education program appropriate for individuals expelled pursuant to subsection (2) and in its discretion admits the individual to that program, and except for a strict discipline academy established under sections 1311b to 1311l, an individual expelled pursuant to subsection (2) is expelled from all public schools in this state and the officials of a school district shall not allow the individual to enroll in the school district unless the individual has been reinstated under subsection (5). Except as otherwise provided by law, a program operated for individuals expelled pursuant to subsection (2) shall ensure that those individuals are physically separated at all times during the school day from the general pupil population. If an individual expelled from a school district pursuant to subsection (2) is not placed in an alternative education program or strict discipline academy, the school district may provide, or may arrange for the intermediate school district to provide, appropriate instructional services to the individual at home. The type of services provided shall meet the requirements of section 6(4)(u) of the state school aid act of 1979, MCL 388.1606, and the services may be contracted for in the same manner as services for homebound pupils under section 109 of the state school aid act of 1979, MCL 388.1709. This subsection does not require a school district to expend more money for providing services for a pupil expelled pursuant to subsection (2) than the amount of the foundation allowance the school district receives for the pupil as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(4) If a school board expels an individual pursuant to subsection (2), the school board shall ensure that, within 3 days after the expulsion, an official of the school district refers the individual to the appropriate county department of social services or county community mental health agency and notifies the individual's parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, notifies the individual of the referral.

(5) The parent or legal guardian of an individual expelled pursuant to subsection (2) or, if the individual is at least age 18 or is an emancipated minor, the individual may petition the expelling school board for reinstatement of the individual to public education in the school district. If the expelling school board denies a petition for reinstatement, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may petition another school board for reinstatement of the individual in that other school district. All of the following apply to reinstatement under this subsection:

(a) For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a

dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 60 school days after the date of expulsion. For an individual who was enrolled in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time. For an individual who was in grade 6 or above at the time of expulsion, the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may initiate a petition for reinstatement at any time after the expiration of 150 school days after the date of expulsion.

(b) An individual who was in grade 5 or below at the time of the expulsion and who has been expelled for possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 90 school days after the date of expulsion. An individual who was in grade 5 or below at the time of the expulsion and who has been expelled pursuant to subsection (2) for a reason other than possessing a firearm or threatening another person with a dangerous weapon shall not be reinstated before the expiration of 10 school days after the date of the expulsion. An individual who was in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.

(c) It is the responsibility of the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, of the individual to prepare and submit the petition. A school board is not required to provide any assistance in preparing the petition. Upon request by a parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual, a school board shall make available a form for a petition.

(d) Not later than 10 school days after receiving a petition for reinstatement under this subsection, a school board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, by the individual. The committee shall consist of 2 school board members, 1 school administrator, 1 teacher, and 1 parent of a pupil in the school district. During this time the superintendent of the school district may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.

(e) Not later than 10 school days after all members are appointed, the committee described in subdivision (d) shall review the petition and any supporting information and information provided by the school district and shall submit a recommendation to the school board on the issue of reinstatement. The recommendation shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement. The recommendation shall be based on consideration of all of the following factors:

(i) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel.

(ii) The extent to which reinstatement of the individual would create a risk of school district liability or individual liability for the school board or school district personnel.

(iii) The age and maturity of the individual.

(iv) The individual's school record before the incident that caused the expulsion.

(v) The individual's attitude concerning the incident that caused the expulsion.

(vi) The individual's behavior since the expulsion and the prospects for remediation of the individual.

(vii) If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

(f) Not later than the next regularly scheduled board meeting after receiving the recommendation of the committee under subdivision (e), a school board shall make a decision to unconditionally reinstate the individual, conditionally reinstate the individual, or deny reinstatement of the individual. The decision of the school board is final.

(g) A school board may require an individual and, if the petition was filed by a parent or legal guardian, his or her parent or legal guardian to agree in writing to specific conditions before reinstating the individual in a conditional reinstatement. The conditions may include, but are not limited to, agreement to a behavior contract, which may involve the individual, parent or legal guardian, and an outside agency; participation in or completion of an anger management program or other appropriate counseling; periodic progress reviews; and specified immediate consequences for failure to abide by a condition. A parent or legal guardian or, if the individual is at least age 18 or is an emancipated minor, the individual may include proposed conditions in a petition for reinstatement submitted under this subsection.

(6) A school board or school administrator that complies with subsection (2) is not liable for damages for expelling a pupil pursuant to subsection (2), and the authorizing body of a public school academy is not liable for damages for expulsion of a pupil by the public school academy pursuant to subsection (2).

(7) The department shall develop and distribute to all school districts a form for a petition for reinstatement to be used under subsection (5).

(8) This section does not diminish any rights under federal law of a pupil who has been determined to be eligible for special education programs and services.

(9) If a pupil expelled from a public school district pursuant to subsection (2) is enrolled by a public school district sponsored alternative education program or a public school academy during the period of expulsion, the public school academy or alternative education program shall immediately become eligible for the prorated share of either the public school academy or operating school district's foundation allowance or the expelling school district's foundation allowance, whichever is higher.

(10) If an individual is expelled pursuant to subsection (2), it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion. The office of safe schools in the department shall compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled pursuant to subsection (2) and pursuant to section 1311a, and shall periodically distribute this information to school districts for distribution to expelled individuals. A school board that establishes an alternative education program or school described in this subsection shall notify the office of safe schools about the program or school and the types of pupils it serves. The office of safe schools also shall work with and provide technical assistance to school districts, authorizing bodies for public school academies, and other interested parties in developing these types of alternative education programs or schools in geographic areas that are not being served.

(11) As used in this section:

(a) "Arson" means a felony violation of chapter X of the Michigan penal code, 1931 PA 328, MCL 750.71 to 750.80.

(b) "Criminal sexual conduct" means a violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(c) “Dangerous weapon” means that term as defined in section 1313.

(d) “Firearm” means that term as defined in section 921 of title 18 of the United States Code, 18 USC 921.

(e) “School board” means a school board, intermediate school board, or the board of directors of a public school academy.

(f) “School district” means a school district, a local act school district, an intermediate school district, or a public school academy.

(g) “Weapon free school zone” means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a.

380.1311g Strict discipline academy; location; tuition; admission policies or practices; enrollment; types of pupils; special education pupils; individuals committed to high-security or medium-security juvenile facility; residence requirements; grades.

Sec. 1311g. (1) A strict discipline academy may be located in all or part of an existing public school building. Except for a strict discipline academy that includes pupils who are the responsibility of a county juvenile agency, a strict discipline academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 1311d and in the contract.

(2) A strict discipline academy shall not charge tuition. Except as otherwise provided in subsection (5), a strict discipline academy shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a strict discipline academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

(3) A strict discipline academy shall be established under sections 1311b to 1311f specifically for enrolling 1 or more of the following types of pupils:

(a) Pupils placed in the strict discipline academy by a court or by the department of human services or a county juvenile agency under the direction of a court.

(b) Pupils who have been expelled under section 1311(2).

(c) Pupils who have been expelled under section 1311a or another provision of this act.

(d) Other pupils who have been expelled from school, or pupils who have been suspended from school for a suspension that is for a period in excess of 10 school days, and who are referred to the strict discipline academy by that pupil’s school and placed in the strict discipline academy by the pupil’s parent or legal guardian. However, a suspended pupil shall be allowed to attend the strict discipline academy only for the duration of the suspension.

(4) In addition to the types of pupils specified in subsection (3), a strict discipline public school academy shall be open for enrollment of a special education pupil who does not meet the requirements of subsection (3) if the special education pupil’s individualized education program team recommends that the special education pupil be placed in the strict discipline public school academy. As used in this subsection, “individualized education program team” means that term as defined in section 614 of part B of title VI of the individuals with disabilities education act, 20 USC 1414.

(5) A strict discipline academy shall enroll only 1 or more of the types of pupils described in subsection (3) or (4). A strict discipline academy is not required to keep any group of pupils described in subsection (3) or (4) physically separated from another group of those pupils, as might otherwise be required under section 1311, section 1311a, or another provision of this act.

(6) Strict discipline academies are not intended to enroll or otherwise be used to educate individuals who are committed to a high-security or medium-security juvenile facility operated by the department of human services or another state department or agency. Further, if the department of corrections or another state department or agency other than the department of human services has custody of or jurisdiction over a child, that state department or agency has the financial responsibility for educating the child.

(7) Except for a foreign exchange student who is not a United States citizen, a strict discipline academy shall not enroll a pupil who is not a resident of this state. Enrollment in the strict discipline academy may be open to all individuals who reside in this state who meet the admission policy under subsections (3) and (4) and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 1311d who meet the admission policy under subsections (3) and (4), except that admission to a strict discipline academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 1311d, shall be open to all pupils who reside in the county in which the federal military installation is located who meet the admission policy under subsections (3) and (4). For a strict discipline academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy under subsections (3) and (4). If there are more applications to enroll in the strict discipline academy than there are spaces available, pupils shall be selected to attend using a random selection process. However, a strict discipline academy may give enrollment priority to a sibling of a pupil enrolled in the strict discipline academy. Except for a suspended pupil who is attending the strict discipline academy for the duration of the suspension, a strict discipline academy shall allow any pupil who was enrolled in the strict discipline academy in the immediately preceding school year to enroll in the strict discipline academy in the appropriate grade unless the appropriate grade is not offered at that strict discipline academy.

(8) A strict discipline academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.

380.1321 Transportation for pupils; requirements; payment.

Sec. 1321. (1) Subject to the balance of this section, the board of a school district providing transportation for its resident pupils, other than students with a disability transported under article 3 or other pupils who cannot safely walk to school, shall provide transportation for each resident public or nonpublic school pupil if all of the following requirements are met:

(a) The school district provides transportation for the elementary school level, middle or junior high school level, or high school level, as defined by the local school board, in which the pupil is enrolled.

(b) The pupil is a person for whom the school district is eligible to receive state school aid for transportation.

(c) The pupil is attending either the public or the nearest state approved nonpublic school in the school district to which the pupil is eligible to be admitted.

(2) Transportation provided under subsection (1) shall be without charge to the resident pupil, the parent, guardian, or person standing in loco parentis to the pupil.

(3) A school district is not required to transport or pay for transportation of a resident pupil living within 1-1/2 miles, by the nearest traveled route, to the public or state approved nonpublic school in which the pupil is enrolled. A school district is not required to transport or pay for the transportation of a resident pupil attending a nonpublic school who lives

in an area less than 1-1/2 miles from a public school in which public school pupils are not transported, except that the school district is required to transport or pay for the transportation of the resident pupil from the public school within the area to the nonpublic school the pupil attends.

(4) A school district is not required to transport or pay for the transportation of resident pupils to state approved nonpublic schools located outside the district unless the school district transports some of its resident pupils, other than students with a disability under article 3, to public schools located outside the district, in which case the school district shall transport or pay for the transportation of resident pupils attending a state approved nonpublic school at least to the distance of the public schools located outside the district to which the district transports resident pupils and in the same general direction.

380.1701 Duties of superintendent of public instruction.

Sec. 1701. The superintendent of public instruction shall do all of the following:

(a) Require each intermediate school board to submit a plan pursuant to section 1711, in accordance with special education rules, to be approved by the superintendent of public instruction.

(b) Promulgate rules setting forth the requirements of the plans and procedures for submitting them.

380.1701a Special education programs and services; public school academy as local school district.

Sec. 1701a. For the purposes of ensuring that a student with a disability enrolled in a public school academy created under part 6a or 6b is provided with special education programs and services, the public school academy is considered to be a local school district under this article.

380.1711 Duties of intermediate school board; expenditures.

Sec. 1711. (1) The intermediate school board shall do all of the following:

(a) Develop, establish, and continually evaluate and modify in cooperation with its constituent districts, a plan for special education that provides for the delivery of special education programs and services designed to develop the maximum potential of each student with a disability of whom the intermediate school board is required to maintain a record under subdivision (f). The plan shall coordinate the special education programs and services operated or contracted for by the constituent districts and shall be submitted to the superintendent of public instruction for approval.

(b) Contract for the delivery of a special education program or service, in accordance with the intermediate school district plan in compliance with section 1701. Under the contract the intermediate school board may operate special education programs or services and furnish transportation services and room and board.

(c) Employ or engage special education personnel in accordance with the intermediate school district plan, and appoint a director of special education meeting the qualifications and requirements of the rules promulgated by the superintendent of public instruction.

(d) Accept and use available funds or contributions from governmental or private sources for the purpose of providing special education programs and services consistent with this article.

(e) Lease, purchase, or otherwise acquire vehicles, sites, buildings, or portions thereof, and equip them for its special education staff, programs, and services.

(f) Maintain a record of each student with a disability under 26 years of age, who is a resident of 1 of its constituent districts and who has not graduated from high school, and the special education programs or services in which the student with a disability is participating on the fourth Friday after Labor day and Friday before Memorial day. The sole basis for determining the local school district in which a student with a disability is a resident shall be the rules promulgated by the superintendent of public instruction notwithstanding the provisions of section 1148. The records shall be maintained in accordance with rules promulgated by the superintendent of public instruction.

(g) Have the authority to place in appropriate special education programs or services a student with a disability for whom a constituent district is required to provide special education programs or services under section 1751.

(h) Investigate special education programs and services operated or contracted for by the intermediate school board or constituent district boards and report in writing failures to comply with the provisions of a contract, statute, or rule governing the special education programs and services or with the intermediate school district plan, to the local school district board and to the superintendent of public instruction.

(i) Operate the special education programs or services or contract for the delivery of special education programs or services by local school district boards, in accordance with section 1702, as if a local school district under section 1751. The contract shall provide for items stated in section 1751 and shall be approved by the superintendent of public instruction. The intermediate school board shall contract for the transportation, or room and board, or both, or persons participating in the program or service as if a local school district board under sections 1756 and 1757.

(j) Receive the report of a parent or guardian or, with the consent of a parent or guardian, receive the report of a licensed physician, registered nurse, social worker, or school or other appropriate professional personnel whose training and relationship to students with a disability provide competence to judge them and who in good faith believes that a person under 26 years of age examined by the professional is or may be a student with a disability, and immediately evaluate the person pursuant to rules promulgated by the superintendent of public instruction. A person making or filing this report or a local school district board shall not incur liability to a person by reason of filing the report or seeking the evaluation, unless lack of good faith is proven.

(k) Evaluate pupils in accordance with section 1311.

(2) The intermediate school board may expend up to 10% of the annual budget but not to exceed \$12,500.00, for special education programs approved by the intermediate school board without having to secure the approval of the superintendent of public instruction.

380.1723 Adoption of MCL 380.1722 to 380.1729; form of ballot.

Sec. 1723. The ballot submitting the question of the adoption of sections 1722 to 1729 to the school electors of an intermediate school district shall be substantially in the following form:

“Shall the _____ (legal name of the intermediate school district), state of Michigan, come under sections 1722 to 1729 of the revised school code, which are designed to encourage the education of students with a disability, if the annual property tax levied for administration is limited to ____ mills?

Yes ()

No ()”.

380.1724 Increasing millage limit; submission of question; election; form of ballot.

Sec. 1724. Subject to section 1724a, an intermediate school board operating under sections 1722 to 1729 may direct that the question of increasing the millage limit on the annual property tax levied for special education be submitted to the school electors of the intermediate school district. The election shall be called and held in the manner provided in section 661. The ballot shall be substantially in the following form:

“Shall the _____ mill limitation on the annual property tax previously approved by the electors of the _____, state

(legal name of the intermediate school district)

of Michigan, for the education of students with a disability be increased by ____ mills?

Yes ()

No ()”.

380.1751 Special education programs and services of local school district.

Sec. 1751. (1) The board of a local school district shall provide special education programs and services designed to develop the maximum potential of each student with a disability in its district on record under section 1711 for whom an appropriate educational or training program can be provided in accordance with the intermediate school district special education plan, in either of the following ways or a combination thereof:

(a) Operate the special education program or service.

(b) Contract with its intermediate school board, another intermediate school board, another local school district board, an adjacent school district board in a bordering state, the Michigan schools for the deaf and blind, the department of community health, the department of human services, or any combination thereof, for delivery of the special education programs or services, or with an agency approved by the superintendent of public instruction for delivery of an ancillary professional special education service. The intermediate school district of which the local school district is constituent shall be a party to each contract even if the intermediate school district does not participate in the delivery of the program or services.

(2) A local school district contract for the provision of a special education program or service shall provide specifically for:

(a) Special education buildings, equipment, and personnel necessary for the operation of the subject program or service.

(b) Transportation or room and board, or both, for persons participating in the programs or services as required under sections 1756 and 1757.

(c) The contribution to be made by the sending local school district if the program or service is to be operated by another party to the contract. The contribution shall be in accordance with rules promulgated by the superintendent of public instruction.

(d) Other matters the parties consider appropriate.

(3) Each program or service operated or contracted for by a local school district shall be in accordance with the intermediate school district's plan established pursuant to section 1711.

(4) A local school district may provide additional special education programs and services not included in, or required by, the intermediate school district plan.

(5) This section shall be construed to allow operation of programs by departments of state government without local school district contribution.

380.1752 Programs or services to student with disability; responsibility for due process hearing costs.

Sec. 1752. Beginning July 1, 2006, the board of a local school district or other public agency responsible for providing programs or services under this act to a student with a disability is responsible for 75% of the costs of providing a due process hearing pursuant to R 340.1882 of the Michigan administrative code.

380.1756 Transportation.

Sec. 1756. The board of a local school district shall provide by contract or agreement for the transportation of a student with a disability who would otherwise be unable to participate in an appropriate special education program or service operated or contracted for by the local school district under section 1751, except for a student with a disability in residence at facilities operated by the department of community health or the department of human services. The board of a school district may provide for weekend transportation of a student with a disability in residence at the Michigan schools for the deaf and blind.

380.1757 Room and board generally.

Sec. 1757. The board of a local school district shall provide by contract or otherwise for the room and board of a student with a disability who would otherwise be unable to participate in an appropriate special education program or service operated or contracted for by the local school district board pursuant to section 1751, except those operated by the Michigan schools for the deaf and blind, the department of community health, or the department of human services.

380.1761 Room and board; reimbursement.

Sec. 1761. The board of a local school district shall not solicit nor seek reimbursement from a student with a disability or another person otherwise liable for the care of the student with a disability for cost of a special education program or service attributable to the expense for room and board. The board of a local school district shall have the right to reimbursement for room and board in an amount which may be paid reasonably by the person in accordance with rules promulgated by the superintendent of public instruction.

Repeal of MCL 380.504c; effective date of repeal.

Enacting section 1. Section 504c of the revised school code, 1976 PA 451, MCL 380.504c, as added by this amendatory act, is repealed effective December 31, 2008.

This act is ordered to take immediate effect.

Approved January 11, 2008.

Filed with Secretary of State January 11, 2008.

[No. 2]

(SB 545)

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain

appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 3118 (MCL 324.3118), as amended by 2004 PA 91.

The People of the State of Michigan enact:

324.3118 Storm water discharge fees.

Sec. 3118. (1) Except as otherwise provided in this section, until October 1, 2009, the department shall collect storm water discharge fees from persons who apply for or have been issued storm water discharge permits as follows:

(a) A 1-time fee of \$400.00 is required for a permit related solely to a site of construction activity for each permitted site. The fee shall be submitted by the permit applicant with his or her application for an individual permit or for a certificate of coverage under a general permit. For a permit by rule, the fee shall be submitted by the construction site permittee along with his or her notice of coverage. A person needing more than 1 permit may submit a single payment for more than 1 permit and receive appropriate credit. Payment of the fee under this subdivision or verification of prepayment is a necessary part of a valid permit application or notice of coverage under a permit by rule.

(b) An annual fee of \$260.00 is required for a permit related solely to a storm water discharge associated with industrial activity or from a commercial site for which the department determines a permit is needed.

(c) An annual fee of \$500.00 is required for a permit for a municipal separate storm sewer system, unless the permit is issued to a city, a village, a township, or a county or is a single permit authorization for municipal separate storm sewer systems in multiple locations statewide.

(d) An annual fee for a permit for a municipal separate storm sewer system issued to a city, village, or township shall be determined by its population in an urbanized area as defined by the United States bureau of the census. The fee shall be based on the latest available decennial census as follows:

(i) For a population of 1,000 people or fewer, the annual fee is \$500.00.

(ii) For a population of more than 1,000 people, but fewer than 3,001 people, the annual fee is \$1,000.00.

(iii) For a population of more than 3,000 people, but fewer than 10,001 people, the annual fee is \$2,000.00.

(iv) For a population of more than 10,000 people, but fewer than 30,001 people, the annual fee is \$3,000.00.

(v) For a population of more than 30,000 people, but fewer than 50,001 people, the annual fee is \$4,000.00.

(vi) For a population of more than 50,000 people, but fewer than 75,001 people, the annual fee is \$5,000.00.

(vii) For a population of more than 75,000 people, but fewer than 100,001 people, the annual fee is \$6,000.00.

(viii) For a population of more than 100,000 people, the annual fee is \$7,000.00.

(e) An annual fee of \$3,000.00 is required for a permit for a municipal separate storm sewer system issued to a county.

(f) An annual fee for a single municipal separate storm sewer systems permit authorizing a state or federal agency to operate municipal separate storm sewer systems in multiple locations statewide shall be determined in accordance with a memorandum of understanding between that state or federal agency and the department and shall be based on the projected needs by the department to administer the permit.

(2) A storm water discharge permit is not required for a municipality that does not own or operate a separate storm sewer system. The department shall not collect storm water discharge fees under subsection (1) from a municipality that does not own or operate a separate storm sewer system.

(3) The permit fees identified in subsection (1) are nonrefundable.

(4) A person possessing a permit not related solely to a site of construction activity as of January 1 shall be assessed a fee. The department shall notify those persons of their fee assessments by February 1. Payment shall be postmarked no later than March 15. Failure by the department to send a fee assessment notification by the deadline, or failure of a person to receive a fee assessment notification, does not relieve that person of his or her obligation to pay the fee. If the department does not meet the February deadline for sending the fee assessment, the fee assessment is due not later than 45 days after receiving a fee notification.

(5) If a storm water permit is issued for a drainage district, the drainage district is responsible for the applicable fee under this section.

(6) The department shall assess interest on all fee payments submitted under this section after the due date. The permittee shall pay an additional amount equal to 0.75% of the payment due for each month or portion of a month the payment remains past due.

(7) The department shall forward all fees and interest payments collected under this section to the state treasurer for deposit into the fund.

(8) The department shall make payment of the required fee assessed under this section a condition of issuance or reissuance of a permit not related solely to a site of construction activity.

(9) In addition to any other penalty provided in this part, if a person fails to pay the fee required under this section by its due date, the person is in violation of this part and the department may undertake enforcement actions as authorized under this part.

(10) The attorney general may bring an action to collect overdue fees and interest payments imposed under this section.

(11) If the permit is for a municipal separate storm sewer system and the population served by that system is different than the latest decennial census, the permittee may appeal the annual fee determination and submit written verification of actual population served by the municipal separate storm sewer system.

(12) A person who wishes to appeal either a fee or a penalty assessed under this section is limited to an administrative appeal, in accordance with section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The appeal shall be filed within 30 days of the department's fee notification under subsection (4).

(13) As used in this section and section 3119:

(a) "Certificate of coverage" means a document issued by the department that authorizes a discharge under a general permit.

(b) "Clean water act" means the federal water pollution control act, 33 USC 1251 to 1387.

(c) "Construction activity" means a human-made earth change or disturbance in the existing cover or topography of land that is 5 acres or more in size, for which a national permit is required pursuant to 40 CFR 122.26(a), and which is described as a construction activity in 40 CFR 122.26(b)(14)(x). Construction activity includes clearing, grading, and excavating activities. Construction activity does not include the practice of clearing, plowing, tilling soil, and harvesting for the purpose of crop production.

(d) “Fee” means a storm water discharge fee authorized under this section.

(e) “Fund” means the storm water fund created in section 3119.

(f) “General permit” means a permit issued authorizing a category of similar discharges.

(g) “Individual permit” means a site-specific permit.

(h) “Municipal separate storm sewer system” means all separate storm sewers that are owned or operated by the United States or a state, city, village, township, county, district, association, or other public body created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law, such as a sewer district, flood control district, or drainage district or similar entity, or a designated or approved management agency under section 208 of the clean water act, 33 USC 1288, that discharges to waters of the state. Municipal separate storm sewer system includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. Municipal separate storm sewer system does not include separate storm sewers in very discrete areas, such as individual buildings.

(i) “Notice of coverage” means a notice that a person engaging in construction activity agrees to comply with a permit by rule for that activity.

(j) “Permit” or “storm water discharge permit” means a permit authorizing the discharge of wastewater or any other substance to surface waters of the state under the national pollutant discharge elimination system, pursuant to the clean water act or this part and the rules and regulations promulgated under that act or this part.

(k) “Public body” means the United States, the state of Michigan, a city, village, township, county, school district, public college or university, or single purpose governmental agency, or any other body which is created by federal or state statute or law.

(l) “Separate storm sewer system” means a system of drainage, including, but not limited to, roads, catch basins, curbs, gutters, parking lots, ditches, conduits, pumping devices, or man-made channels, which has the following characteristics:

(i) The system is not a combined sewer where storm water mixes with sanitary wastes.

(ii) The system is not part of a publicly owned treatment works.

(m) “Storm water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.

(n) “Storm water discharge associated with industrial activity” means a point source discharge of storm water from a facility which is defined as an industrial activity under 40 CFR 122.26(b)(14)(i-ix and xi).

This act is ordered to take immediate effect.

Approved January 16, 2008.

Filed with Secretary of State January 16, 2008.

[No. 3]

(HB 5123)

AN ACT to amend 2005 PA 210, entitled “An act to provide for the establishment of commercial rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain

qualified facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local governmental officials; and to provide penalties,” by amending section 2 (MCL 207.842), as amended by 2006 PA 554.

The People of the State of Michigan enact:

207.842 Definitions.

Sec. 2. As used in this act:

(a) “Commercial property” means land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and 211.14, the primary purpose and use of which is the operation of a commercial business enterprise or multifamily residential use. Commercial property shall also include facilities related to a commercial business enterprise under the same ownership at that location, including, but not limited to, office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Commercial property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to the operation of a commercial business enterprise. Commercial property does not include any of the following:

(i) Land.

(ii) Property of a public utility.

(b) “Commercial rehabilitation district” or “district” means an area not less than 3 acres in size of a qualified local governmental unit established as provided in section 3. However, if the commercial rehabilitation district is located in a downtown or business area as determined by the legislative body of the qualified local governmental unit, the district may be less than 3 acres in size.

(c) “Commercial rehabilitation exemption certificate” or “certificate” means the certificate issued under section 6.

(d) “Commercial rehabilitation tax” means the specific tax levied under this act.

(e) “Commission” means the state tax commission created by 1927 PA 360, MCL 209.101 to 209.107.

(f) “Department” means the department of treasury.

(g) “Multifamily residential use” means multifamily housing consisting of 5 or more units.

(h) “Qualified facility” means a building or group of contiguous buildings of commercial property that is 15 years old or older or has been allocated for a new markets tax credit under section 45d of the internal revenue code, 26 USC 45d. A qualified facility does not include property that is to be used as a professional sports stadium. A qualified facility does not include property that is to be used as a casino. As used in this subdivision, “casino” means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.201 to 432.226.

(i) “Qualified local governmental unit” means a city, village, or township.

(j) “Rehabilitation” means changes to a qualified facility that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. Rehabilitation includes major renovation and modification including, but not necessarily limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing

multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the property to an economically efficient condition. Rehabilitation shall not include improvements aggregating less than 10% of the true cash value of the property at commencement of the rehabilitation of the qualified facility.

(k) "Taxable value" means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

This act is ordered to take immediate effect.

Approved February 7, 2008.

Filed with Secretary of State February 7, 2008.

[No. 4]

(HB 5101)

AN ACT to amend 1992 PA 147, entitled "An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units," by amending section 4 (MCL 207.774), as amended by 2006 PA 661.

The People of the State of Michigan enact:

207.774 Neighborhood enterprise zone certificate; application; filing; manner and form; contents; effective date of certificate; conditions.

Sec. 4. (1) The owner of a homestead facility or owner or developer or prospective owner or developer of a proposed new facility or an owner or developer or prospective developer proposing to rehabilitate property located in a neighborhood enterprise zone may file an application for a neighborhood enterprise zone certificate with the clerk of the local governmental unit. The application shall be filed in the manner and form prescribed by the commission. The clerk of the local governmental unit shall provide a copy of each homestead facility application to the assessor for the local governmental unit. Except as provided in subsection (2) or as otherwise provided by the local governmental unit by resolution if the application is filed not later than 6 months following the date the building permit is issued, the application shall be filed before a building permit is issued for the new construction or rehabilitation of the facility.

(2) An application may be filed after a building permit is issued only if 1 or more of the following apply:

(a) For the rehabilitation of a facility if the area in which the facility is located is designated as a neighborhood enterprise zone by the governing body of the local governmental unit in the calendar year 1992 and if the building permit is issued for the rehabilitation before December 31, 1994 and after the date on which the area in which the facility is located was designated as a neighborhood enterprise zone by the governing body of the local governmental unit.

(b) For the construction of a new facility if the area in which the new facility is located is designated as a neighborhood enterprise zone by the governing body of the local governmental unit in calendar year 1992 or 1993 and if the building permit is issued for that new facility before December 31, 1995 and after January 1, 1993.

(c) For the construction of a new facility if the area in which the new facility is located is designated as a neighborhood enterprise zone by the governing body of the local governmental unit in July 1997 and if the building permit is issued for that new facility on February 3, 1998.

(d) For a new facility or a rehabilitated facility if the area in which the new facility or rehabilitated facility is located was designated as a neighborhood enterprise zone by the governing body of the local governmental unit in July 1996 and if the building permit was issued for that facility on or before July 3, 2001.

(e) For a new facility or a rehabilitated facility if the area in which the new facility or rehabilitated facility is located was designated as a neighborhood enterprise zone by the governing body of the local governmental unit in October 1994 and if the building permit was issued for that facility on or before April 25, 1997.

(f) For the construction of a new facility if the area in which the new facility is located is designated as a neighborhood enterprise zone by the governing body of the local governmental unit in September 2001 and if the building permit is issued for that new facility on March 3, 2003.

(g) For a rehabilitated facility if all or a portion of the rehabilitated facility is a qualified historic building.

(h) For the construction of a new facility if the area in which the new facility is located is designated as a neighborhood enterprise zone by the governing body of the local governmental unit in July 1993 and the new facility was a model home.

(i) For the construction of a new facility if the area in which the new facility is located is designated as a neighborhood enterprise zone by the governing body of the local governmental unit in August 2004 and if building permits were issued for that facility beginning November 5, 2002 through December 23, 2003.

(j) For a homestead facility.

(k) For the construction of a facility if the area in which the facility is located was designated as a neighborhood enterprise zone by the governing body of the local governmental unit in July 2003, and if the building permit was issued for that facility in June 2004.

(l) For a new facility or a rehabilitated facility if the area in which the new facility or rehabilitated facility is located was designated as a neighborhood zone by the governing body of the local governmental unit in February 2004 and if the building permit for that facility was issued in August 2003 or January 2005.

(m) For the construction of a facility if the area in which the facility is located was designated as a neighborhood enterprise zone by the governing body of the local governmental unit in June 2007 and if the building permit was issued for that facility after November 30, 2004 and before November 1, 2006.

(3) The application shall contain or be accompanied by all of the following:

(a) A general description of the homestead facility, new facility, or proposed rehabilitated facility.

(b) The dimensions of the parcel on which the homestead facility, new facility, or proposed rehabilitated facility is or is to be located.

(c) The general nature and extent of the construction to be undertaken.

(d) A time schedule for undertaking and completing the rehabilitation of property or the construction of the new facility.

(e) A statement by the owner of a homestead facility that the owner is committed to investing a minimum of \$500.00 in the first 3 years that the certificate for a homestead facility is in effect and committed to documenting the minimum investment if required to do so by the assessor of the local governmental unit.

(f) Any other information required by the local governmental unit.

(4) Notwithstanding any other provisions of this act, for any certificate issued as a result of the enactment of the amendatory act that added subsection (2)(c), the effective date of the certificate shall be the first day of the tax year following the year the certificate is approved by the commission.

(5) Notwithstanding any other provisions of this act, for any certificate issued as a result of the enactment of the amendatory act that added subsection (2)(d) or the amendatory act that added subsection (2)(e), the effective date of the certificate shall be January 1, 2001.

(6) Notwithstanding any other provisions of this act, for any certificate issued as a result of the enactment of the amendatory act that added subsection (2)(j) or the amendatory act that added subsection (2)(k), the effective date of the certificate shall be the first day of the tax year following the year the certificate is approved by the commission.

(7) For a certificate issued as a result of the amendatory act that added subsection (2)(e), both of the following shall apply notwithstanding any other provision of this act:

(a) The effective date of the certificate shall be January 1, 2001 and the taxable value for rehabilitated facilities shall be set as provided in section 10(3).

(b) For certificates issued or reissued after December 31, 2005, the amount of the neighborhood enterprise zone tax on a rehabilitated facility is determined each year by multiplying the taxable value of the rehabilitated facility, not including the land, as of December 31 of the year prior to the start of the improvement as described in subsection (3) by the total mills collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, for the current year by all taxing units within which the rehabilitated facility is located.

(8) For any certificate issued as result of the amendatory act that added subsection (2)(l), notwithstanding any other provision of this act the amount of the neighborhood enterprise zone tax on a rehabilitated facility is determined each year by multiplying the taxable value of the rehabilitated facility, not including the land, as of December 31 of the year prior to the start of the improvement as described in subsection (3) by the total mills collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, for the current year by all taxing units within which the rehabilitated facility is located.

(9) If a new facility is completed in a neighborhood enterprise zone approved in October 1996 and a building permit was issued in March 1998 but a neighborhood enterprise zone certificate was not applied for by the original owner occupying the facility as a principal residence, a subsequent owner occupying the new facility as a principal residence can request and, notwithstanding any other provision of this act, effective December 31 of the year preceding the application, be granted a neighborhood enterprise zone certificate for the remainder of the term, not to exceed 12 years, that a neighborhood enterprise zone certificate would have been in effect for the original owner of the new facility.

This act is ordered to take immediate effect.

Approved February 7, 2008.

Filed with Secretary of State February 7, 2008.

[No. 5]**(SB 111)**

AN ACT to amend 1959 PA 243, entitled “An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts,” by amending section 41 (MCL 125.1041).

The People of the State of Michigan enact:

125.1041 Specific tax; collection; exception; late payment penalty.

Sec. 41. (1) Each licensee shall collect and remit a specific tax of \$3.00 per month, or major fraction thereof, per occupied trailer coach, which shall be a tax upon the owners or occupants of each occupied trailer coach, including trailer coaches licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, notwithstanding any provision of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, to the contrary, occupying space within the trailer coach park. The specific tax shall be in lieu of any property tax levied upon the trailer coach pursuant to the provisions of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, upon or on account of the trailer while located in the trailer coach park. The licensee of a trailer coach park shall not collect a monthly tax for any space occupied by a trailer coach accompanied by an automobile when the trailer coach and automobile bear license plates issued by any state other than this state for an accumulated period not to exceed 90 days in any 12-month period, if all the occupants of the trailer coach with accompanying automobiles are tourists or vacationers. When 1 or more persons occupying a trailer coach bearing a foreign license are employed or are conducting any manner of business or furnishing any service for gain within this state, there shall be no exemption from the specific tax under this act.

(2) If a licensee does not remit the specific tax by the date required under section 43, the licensee shall pay a late payment penalty of 3% of the unpaid balance. Interest shall accrue on the unpaid balance at a rate of 1% per month and the licensee shall be liable for a civil fine of not more than \$10.00 per occupied trailer coach for each month the licensee does not remit the specific tax authorized under this section.

This act is ordered to take immediate effect.

Approved February 7, 2008.

Filed with Secretary of State February 7, 2008.

[No. 6]**(SB 577)**

AN ACT to regulate certain persons building certain residential structures; to provide for certain disclosures and prescribe certain limitations regarding the transfer of that residential structure; and to provide for remedies and penalties.

The People of the State of Michigan enact:

445.881 Short title.

Sec. 1. This act shall be known and may be cited as the “owner built residence transfer act”.

445.883 Definitions.

Sec. 3. As used in this act:

(a) “Owner-builder” means an individual who is not a licensed residential builder and who builds, or acts as a general contractor for the construction of, a residential structure in which that individual or a member of that individual’s family actually resides, or intends to occupy for his or her own use, upon the issuance of an occupancy permit.

(b) “Residential builder” means a person engaged in the construction of a residential structure or a combination residential and commercial structure who, for a fixed sum, price, fee, percentage, valuable consideration, or other compensation, other than wages for personal labor only, undertakes with another or offers to undertake or purports to have the capacity to undertake with another for the erection, construction, replacement, repair, alteration, or an addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure or combination residential and commercial structure; a person who manufactures, assembles, constructs, deals in, or distributes a residential or combination residential and commercial structure which is prefabricated, preassembled, precut, packaged, or shell housing; or a person who erects a residential structure or combination residential and commercial structure except for the person’s own use and occupancy on the person’s property.

(c) “Residential structure” means a premises used or intended to be used for a residence purpose and related facilities appurtenant to the premises used or intended to be used as an adjunct of residential occupancy.

445.885 Owner-builder residing in residential structure; duties upon completion of construction and issuance of occupancy permit; sale or transfer of ownership; limitation.

Sec. 5. (1) An owner-builder intending to live in the residential structure at the onset of construction shall do either of the following upon completion of construction and issuance of the occupancy permit regarding a residential structure:

(a) Reside in the residential structure.

(b) Place the residential structure up for sale in any manner allowed by law if, due to unforeseen circumstances, the owner-builder is unable to reside in the residential structure. This subdivision allows the owner-builder to utilize this exception not more than once per calendar year.

(2) An owner-builder who actually lives, full- or part-time, in that residential structure shall not sell or transfer ownership of the residential structure to another person for at least 365 days after the owner-builder actually begins living, full- or part-time, in that residential structure.

445.887 Owner-builder notice; requirements.

Sec. 7. (1) An owner-builder who sells the residential structure, within 2 years or less after the date of the issuance of the occupancy permit, shall note in the owner-builder notice the fact that the residential structure was built by the owner.

(2) An owner-builder shall supply, at the time of offering the residential structure and on a separate sheet of paper, an owner-builder notice stating in 12-point font or larger that

the residential structure was built by an owner-builder that is not a licensed builder. The notice shall be signed and dated by the owner-builder.

445.889 Failure to disclose; liability; remedies.

Sec. 9. (1) An owner-builder who fails to make the disclosures required under this act is liable for the following for up to 24 months after the completion of construction, first occupancy, or purchase, whichever occurs later:

(a) The cost of repair regarding any defects in workmanship.

(b) The cost of any repairs needed to bring the structure into compliance with the building code in effect at the time of the issuance of the occupancy permit.

(c) The cost for temporary shelter for the buyers if the repairs require the buyer to vacate temporarily or if the defects in the residential structure render it uninhabitable.

(2) The buyer of an owner-builder residential structure may bring an action in a court of competent jurisdiction for damages resulting from a violation of the disclosures required under this act. The action shall be brought not later than 24 months after completion of construction, first occupancy, or purchase, whichever comes later. If the buyer prevails in whole or part in an action brought under this section, the court shall award cost and actual attorney fees.

(3) The remedies under this act are cumulative and the use of a remedy under this act does not prevent the use of any other remedies allowed under law.

445.891 Effective date.

Sec. 11. This act takes effect 180 days after the date it is enacted into law.

This act is ordered to take immediate effect.

Approved February 12, 2008.

Filed with Secretary of State February 12, 2008.

[No. 7]

(HB 4505)

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal

certain parts of this act on a specific date,” by amending sections 40b, 50a, 51a, 251b, 251d, 302, 303, 307, 310, 314, 315, 318, 511, 728, 749, 801, 814, and 819 (MCL 257.40b, 257.50a, 257.51a, 257.251b, 257.251d, 257.302, 257.303, 257.307, 257.310, 257.314, 257.315, 257.318, 257.511, 257.728, 257.749, 257.801, 257.814, and 257.819), section 40b as added by 1997 PA 100, section 50a as added and section 315 as amended by 1999 PA 118, sections 302, 303, 307, and 314 as amended by 2006 PA 298, section 310 as amended by 2005 PA 141, section 728 as amended by 1993 PA 301, section 749 as amended by 1984 PA 331, section 801 as amended by 2006 PA 562, and section 819 as amended by 1990 PA 168.

The People of the State of Michigan enact:

257.40b “Personal information” and “highly restricted personal information” defined.

Sec. 40b. (1) “Personal information” means information that identifies an individual, including the individual’s photograph or image, name, address (but not the zip code), driver license number, social security number, telephone number, digitized signature, and medical and disability information. Personal information does not include information on driving and equipment-related violations or civil infractions, driver or vehicle registration status, vehicular accidents, or other behaviorally-related information.

(2) “Highly restricted personal information” means an individual’s photograph or image, social security number, digitized signature, medical and disability information, and source documents presented by an applicant to obtain an operator’s or chauffeur’s license under section 307(1).

257.50a “Residence address” defined.

Sec. 50a. “Residence address” means the place that is the settled home or domicile at which a person legally resides as defined in section 11 of the Michigan election law, 1954 PA 116, MCL 168.11.

257.51a “Resident” defined.

Sec. 51a. “Resident” means every person who resides in this state and establishes that he or she is legally present in the United States. This definition applies to the provisions of this act only.

257.251b Renting, leasing, or furnishing motorcycle; license to operate required.

Sec. 251b. A dealer shall not rent, lease, or furnish a motorcycle to a person for use on public streets and highways who is not licensed to operate a motorcycle by the state, if a resident, and by the state in which the person resides, if a nonresident.

257.251d Renting, leasing, or furnishing motorcycle; license to operate as condition of use by third party.

Sec. 251d. A person to whom a motorcycle is rented, leased, or furnished, shall not rent, sublease, or otherwise authorize the use of the motorcycle on public streets and highways to a person who is not licensed to operate a motorcycle in this state, if a resident, and by the state in which the person resides, if a nonresident.

257.302 Operators’ and chauffeurs’ licenses; persons exempt.

Sec. 302. The following persons are exempt from obtaining a license under this chapter:

(a) A person serving in the armed forces of the United States if furnished with a driver’s permit and operating an official motor vehicle in that service or a person who is a military

driver and operates a commercial motor vehicle for a military purpose. This exemption applies to active duty military personnel, members of the military reserves, active duty United States coast guard personnel, and members of the national guard while on active duty, including, but not limited to, personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians who are civilians required to wear military uniforms. This exemption does not apply to any of the following:

(i) United States reserve technicians.

(ii) Except as otherwise provided in this subdivision, a person who is a civilian and in the employ of the armed forces of the United States.

(b) A person while driving or operating a road roller, a snow motor, road machinery, or a farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(c) A nonresident who is not less than 16 years of age and who has been licensed either as an operator or a chauffeur under a law requiring the licensing of operators or chauffeurs in his or her home state and who has in his or her immediate possession either a valid operator's or a valid chauffeur's license issued to him or her in his or her home state.

(d) A nonresident who is over the age of 17 years, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if all of the following apply:

(i) The motor vehicle is registered in the home state or country of the nonresident.

(ii) The nonresident has in his or her immediate possession a registration card evidencing ownership and registration of the motor vehicle in his or her home state or country, or is able at any time or place required to prove lawful possession or the right to operate the motor vehicle and to establish his or her proper identity.

(iii) The nonresident is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(e) A person who is a member of the armed forces of the United States on official leave, who on the date of his or her orders granting leave possessed an operator's or chauffeur's license, valid except for the expiration date of the license. This exemption applies only to the person's first leave of absence following the expiration of his or her license and exempts the person from the provisions of this act for a period not to exceed 30 days.

(f) A person who is a discharged member of the armed forces of the United States, who on the date of his or her discharge possesses an operator's or chauffeur's license, valid except for the expiration date, for a period not to exceed 30 days from date of discharge.

(g) A person who is a member of the armed forces of the United States, stationed in this state, who resides in another state and has a valid license issued by the state in which he or she resides.

(h) A person while operating a commercial motor vehicle in the course of a driving test administered by a certified examiner appointed by the secretary of state and while accompanied by the examiner, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(i) A person while operating a commercial motor vehicle who is not disqualified from operating a commercial motor vehicle and who holds a commercial driver license that is issued to him or her by another state or jurisdiction under 49 CFR part 383.

257.303 Operator's or chauffeur's license; issuance; prohibitions; revocation; denial of license; "felony in which a motor vehicle was used" defined.

Sec. 303. (1) The secretary of state shall not issue a license under this act to any of the following persons:

(a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.

(b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.

(c) A person whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to the person, the secretary of state may issue a license after the expiration of 5 years from the effective date of the most recent suspension, revocation, denial, or cancellation.

(d) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease preventing that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.

(e) A person who is unable to understand highway warning or direction signs in the English language.

(f) A person who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with the issuance of an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement.

(g) A person who has been convicted of, has received a juvenile disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this state, another state, or another country.

(h) A nonresident, including, but not limited to, a foreign exchange student.

(i) A person who has failed to answer a citation or notice to appear in court or for any matter pending or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, in violation of section 321a, until that person answers the citation or notice to appear in court or for any matter pending or complies with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, as provided under section 321a.

(j) A person not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.

(k) A person not licensed under this act who has been convicted of or received a juvenile disposition for committing a crime described in section 319e. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319e if the person had been licensed at the time of the violation.

(l) A person not licensed under this act who is determined to have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998

PA 58, MCL 436.1703, or section 624a or 624b of this act. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.

(m) A person whose commercial driver license application is canceled under section 324(2).

(n) Unless otherwise eligible under section 307(1), a person who is not a citizen of the United States.

(2) Upon receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person and deny issuance of an operator's or chauffeur's license to a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626.

(b) Any combination of 2 or more convictions within 7 years for any of the following:

(i) A felony in which a motor vehicle was used.

(ii) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5).

(iii) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(iv) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years:

(i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(ii) A violation or attempted violation of section 625m.

(iii) Former section 625b.

(d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), or section 904(4) or (5).

(e) One conviction of negligent homicide, manslaughter, or 1 murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992:

(i) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle

while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(ii) A violation or attempted violation of section 625m.

(iii) Former section 625b.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323.

(4) The secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or revoked and denied under subsection (2) until all of the following occur, as applicable:

(a) The later of the following:

(i) The expiration of not less than 1 year after the license was revoked or denied.

(ii) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial.

(b) For a denial under subsection (2)(a), (b), (c), and (g), the person rebuts by clear and convincing evidence the presumption resulting from the prima facie evidence that he or she is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that he or she is a habitual offender.

(c) The person meets the requirements of the department.

(5) The secretary of state may deny issuance of an operator's license as follows:

(a) Until the age of 17, to a person not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age. A person not issued a license under this subdivision is not eligible to begin graduated licensing training until he or she attains 16 years of age.

(b) To a person less than 21 years of age not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age or older, until 3 years after the date of the conviction or juvenile disposition. A person not issued a license under this subdivision is not eligible to begin graduated licensing training or otherwise obtain an original operator's or chauffeur's license until 3 years after the date of the conviction or juvenile disposition.

(6) The secretary of state shall deny issuance of a vehicle group designation to a person if the person has been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.

(7) Multiple convictions or civil infraction determinations resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

(8) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

257.307 Application for operator's or chauffeur's license; documents to be supplied to verify citizenship or identity and legal presence; manner; contents; image and signature; equipment; signature and certification; fee; refund; organ donor registration; driving record from another jurisdiction; application for original, renewal, or upgrade of vehicle group designation or indorsement; issuing renewal license by mail or other methods; information manual; disclosure or display of social security number; electronic access to organ, tissue, and eye donor registry; agreements with federal government; termination of license issued by another state; duties of secretary of state.

Sec. 307. (1) If an applicant for an operator's license or chauffeur's license is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require to verify the identity and citizenship of the applicant. If an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection shall include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) The applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, and, beginning January 1, 2007, intent to be an organ donor, other information required or permitted on the license under this chapter, and, only to the extent required to comply with federal law, the applicant's social security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

(b) If the applicant is not a citizen of the United States, the applicant shall provide documents demonstrating his or her legal presence in the United States. A person legally present in the United States includes, but is not limited to, a person authorized by the United States government for employment in the United States, a person with nonimmigrant status authorized under federal law, and a person who is the beneficiary of an approved immigrant visa petition or an approved labor certification. The secretary of state shall adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

(c) The following notice shall be included to inform the applicant that under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this application as the applicant's residence address on the qualified voter file for voter registration and voting:

“NOTICE: Michigan law requires that the same address be used for voter registration and driver license purposes. Therefore, if the residence address you provide in this application differs from your voter registration address as it appears on the qualified voter file, the secretary of state will automatically change your voter registration to match the residence address on this application, after which your voter registration at your former address will no longer be valid for voting purposes. A new voter registration card, containing the information of your polling place, will be provided to you by the clerk of the jurisdiction where your residence address is located.”.

(d) For an original or renewal operator's or chauffeur's license with a vehicle group designation or indorsement, the names of all states where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.

(e) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications by the applicant:

(i) The applicant meets the applicable federal driver qualification requirements under 49 CFR part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable qualifications of the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, if the applicant operates or intends to operate in intrastate commerce.

(ii) The vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate.

(iii) The applicant is not subject to disqualification by the United States secretary of transportation, or a suspension, revocation, or cancellation under any state law for conviction of an offense described in section 312f or 319b.

(iv) The applicant does not have a driver's license from more than 1 state or jurisdiction.

(f) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement shall provide his or her fingerprints as prescribed by state and federal law.

(2) An applicant for an operator's or chauffeur's license may have his or her image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire equipment purchased or leased under this section under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. A digital photographic image and signature captured under this section shall appear on the applicant's operator's license or chauffeur's license. A person's digital photographic image shall be used as follows:

(a) By a federal, state, or local governmental agency for a law enforcement purpose authorized by law.

(b) By the secretary of state for a use specifically authorized by law.

(c) By the secretary of state for forwarding to the department of state police the images to persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.271 to 28.726, upon the department of state police providing the secretary of state an updated list of the names of those persons.

(d) As necessary to comply with a law of this state or of the United States.

(3) An application shall contain a signature or verification and certification by the applicant, as determined by the secretary of state, and shall be accompanied by the proper fee. The secretary of state shall collect the application fee with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license.

(4) In conjunction with the application for or, until January 1, 2007, the issuance of an operator's license or chauffeur's license, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(i) Information explaining the applicant's right to make an anatomical gift in the event of death in accordance with section 310.

(ii) Information describing the organ, tissue, and eye donor registry program. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization.

(iii) Information giving the applicant the opportunity to be placed on the registry described in subparagraph (ii).

(b) Provide the applicant with the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death in accordance with section 310.

(c) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the registry described in subdivision (a)(ii), the secretary of state will mark the applicant's record for the registry.

(d) Provide the applicant with the opportunity to make a donation of \$1.00 or more to the organ and tissue donation education fund created under section 217o. A donation made under this subdivision shall be deposited in the state treasury to the credit of the organ and tissue donation education fund.

(5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods:

(a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license.

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

(c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means.

(6) Until January 1, 2007, if an applicant indicates a willingness under this section to have his or her name placed on the organ donor registry described in subsection (4)(a)(ii), the secretary of state shall within 10 days forward the applicant's name, and address, and date of birth to the organ donor registry maintained by Michigan's federally designated organ procurement organization or its successor organization. The secretary of state may forward information under this subsection by mail or by electronic means. The secretary of state shall not maintain a record of the name or address of an individual who indicates a willingness to have his or her name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have his or her name placed on the organ donor registry that is obtained by the secretary of state under subsection (4) and forwarded under this subsection is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243. Beginning January 1, 2007, the secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the registry described in subsection (4)(a)(ii). Information about an applicant's indication of a willingness to have his or her name placed on the registry that is obtained by the secretary of state under subsection (4) and forwarded under subsection (14) is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the national driver register. When received, the driving record and other available information become a part of the driver's record in this state.

(8) If an application is received for an original, renewal, or upgrade of a vehicle group designation or indorsement, the secretary of state shall request the person's complete driving record from all states where the applicant was previously licensed to drive any type of

motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from a state where he or she was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. The secretary of state shall also check the applicant's driving record with the national driver register and the federal commercial driver license information system before issuing that group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the person's historical driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section.

(9) Except for a vehicle group designation or indorsement or as provided in this subsection or section 314(5), the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period or until the person is no longer determined to be legally present under section 307 by mail or by other methods prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the person is a person required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of persons required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

(10) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required under 49 CFR part 383.

(11) The secretary of state shall not disclose a social security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes:

(a) Compliance with 49 USC 31301 to 31317 and regulations and state law and rules related to this chapter.

(b) To carry out the purposes of section 666(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support.

(c) To check an applicant's driving record through the national driver register and the commercial driver license information system when issuing a license under this act.

(d) With the department of community health, for comparison with vital records maintained by the department of community health under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

(e) As otherwise required by law.

(12) The secretary of state shall not display a person's social security number on the person's operator's or chauffeur's license.

(13) A requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number.

(14) The secretary of state shall maintain the organ, tissue, and eye donor registry in a manner that provides electronic access, including, but not limited to, transfer of data to this state's federally designated organ procurement organizations, their successor organizations, and tissue and eye banks with limitations on the use of and access to the donor registry as determined by the secretary of state.

(15) The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an operator's license or a chauffeur's license under this section who is not a citizen of the United States is authorized under federal law to be present in the United States.

(16) The secretary of state shall not issue an operator's license or a chauffeur's license to a person holding an operator's license or chauffeur's license issued by another state without confirmation that the person is terminating or has terminated the operator's license or chauffeur's license issued by the other state.

(17) The secretary of state shall do all of the following:

(a) Ensure the physical security of locations where operator's licenses and chauffeur's licenses are produced and the security of document materials and papers from which operator's licenses and chauffeur's licenses are produced.

(b) Subject all persons authorized to manufacture or produce operator's licenses or chauffeur's licenses and all persons who have the ability to affect the identity information that appears on operator's licenses or chauffeur's licenses to appropriate security clearance requirements. The security requirements of this subdivision and subdivision (a) may require that licenses be manufactured or produced in this state.

(c) Provide fraudulent document recognition programs to department of state employees engaged in the issuance of operator's licenses and chauffeur's licenses.

257.310 Operator's or chauffeur's license; issuance; applicant for motorcycle indorsement or vehicle group designation; contents of license; digitized license; unlawful acts; penalties; temporary driver's permit; medical data; designation of patient advocate or emancipated status; duplicates of license; emergency medical information card; participation in organ, tissue, and eye donor registry.

Sec. 310. (1) The secretary of state shall issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. An applicant for a motorcycle indorsement under section 312a or a vehicle group designation or indorsement shall first qualify for an operator's or chauffeur's license before the indorsement or vehicle group designation application is accepted and processed. An original license or the first renewal of an existing license issued to a person less than 21 years of age shall be portrait or vertical in form and a license issued to a person 21 years of age or over shall be landscape or horizontal in form.

(2) The license issued under subsection (1) shall contain all of the following:

(a) The distinguishing number permanently assigned to the licensee.

(b) The full legal name, date of birth, address of residence, height, eye color, sex, digital photographic image, expiration date, and signature of the licensee.

(c) In the case of a licensee who has indicated his or her wish to participate in the organ and tissue donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109, a heart insignia on the front of the license.

(d) Physical security features designed to prevent tampering, counterfeiting, or duplication of the license for fraudulent purposes.

(3) Except as otherwise required under this chapter, other information required on the license pursuant to this chapter may appear on the license in a form prescribed by the secretary of state.

(4) The license shall not contain a fingerprint or finger image of the licensee.

(5) A digitized license may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the secretary of state. The information shall be limited to the person's driver license number, birth date, full legal name, date of transaction, gender, address, state of issuance, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the driving record or other personal identifier. The license shall identify the encoded information.

(6) The license shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the license without ready detection. In addition, a license with a vehicle group designation shall contain the information required under 49 CFR part 383.

(7) Except as provided in subsection (11), a person who intentionally reproduces, alters, counterfeits, forges, or duplicates a license photograph, the negative of the photograph, image, license, or electronic data contained on a license or a part of a license or who uses a license, image, or photograph that has been reproduced, altered, counterfeited, forged, or duplicated is subject to 1 of the following:

(a) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for 10 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by imprisonment for 6 months or more, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than \$10,000.00, or both.

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(8) Except as provided in subsections (11) and (16), a person who sells, or who possesses with the intent to deliver to another, a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(9) Except as provided in subsections (11) and (16), a person who is in possession of 2 or more reproduced, altered, counterfeited, forged, or duplicated license photographs, negatives of the photograph, images, licenses, or electronic data contained on a license or part of a license is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(10) Except as provided in subsection (16), a person who is in possession of a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph,

image, license, or electronic data contained on a license or part of a license is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(11) Subsections (7)(a) and (b), (8), and (9) do not apply to a minor whose intent is to violate section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(12) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue the applicant a temporary driver's permit. The temporary driver's permit entitles the applicant, while having the permit in his or her immediate possession, to drive a motor vehicle upon the highway for a period not exceeding 60 days before the secretary of state has issued the applicant an operator's or chauffeur's license. The secretary of state may establish a longer duration for the validity of a temporary driver's permit if necessary to accommodate the process of obtaining a background check that is required for an applicant by federal law.

(13) An operator or chauffeur may indicate on the license in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, or a statement that the licensee is deaf.

(14) An operator or chauffeur may indicate on the license in a place designated by the secretary of state that he or she has designated a patient advocate in accordance with sections 5506 to 5515 of the estates and protected individuals code, 1998 PA 386, MCL 700.5506 to 700.5515.

(15) If the applicant provides proof to the secretary of state that he or she is a minor who has been emancipated under 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the designation of the individual's emancipated status in a manner prescribed by the secretary of state.

(16) Subsections (8), (9), and (10) do not apply to a person who is in possession of 1 or more photocopies, reproductions, or duplications of a license to document the identity of the licensee for a legitimate business purpose.

(17) A sticker or decal may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing an emergency medical information card, but shall meet the specifications of the secretary of state. An emergency medical information card may contain information concerning the licensee's patient advocate designation, other emergency medical information, or an indication as to where the licensee has stored or registered emergency medical information.

(18) The secretary of state shall inquire of each licensee, in person or by mail, whether the licensee agrees to participate in the organ, tissue, and eye donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109.

(19) A licensee who has agreed to participate in the organ, tissue, and eye donor registry under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109, shall not be considered to have revoked that agreement solely because the licensee's license has been revoked or suspended or has expired. Enrollment in the organ, tissue, and eye donor registry constitutes a legal agreement that remains binding and in effect after the donor's death regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's organ, tissue, or eye donation.

257.314 Operator's or chauffeur's license; duration; expiration; identification of licensee less than 21; renewal; extension.

Sec. 314. (1) Except as otherwise provided in this section, operator's licenses and chauffeur's licenses expire on the birthday of the person to whom the license is issued in the fourth year following the date of the issuance of the license or on the date the person is no

longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked before that date. A license shall not be issued for a period longer than 4 years. A person holding a license at any time 12 months before the expiration of his or her license may apply for a new license as provided for in this chapter. A knowledge test for an original group designation or indorsement may be taken at any time during this period and the results are valid for 12 months. A license renewed under this subsection shall be renewed for the time remaining on the license before its renewal combined with the 4-year renewal period.

(2) The first operator's license issued to a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked.

(3) The first chauffeur's license issued to a person expires on the licensee's birthday in the fourth year following the date of issuance or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. The chauffeur's license of a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. A subsequent chauffeur's license expires on the birthday of the person to whom the license is issued in the fourth year following the date of issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date.

(4) A person may apply for an extension of his or her driving privileges if he or she is out of state on the date that his or her operator's or chauffeur's license expires. The extension may extend the license for 180 days beyond the expiration date or not more than 2 weeks after the applicant returns to Michigan, whichever occurs first.

(5) Except for an operator's or chauffeur's license with a hazardous material indorsement, the secretary of state may issue a renewal operator's or chauffeur's license to a person who will be out of state for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, if the secretary of state has a digital image of the person on file. The applicant for this renewal shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309 and any other statement required by this act or federal law. A person is not eligible for consecutive renewals of a license under this subsection.

(6) The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a renewal under this section.

257.315 Operator's and chauffeur's license; change of address; notice; use of residence address on qualified voter file; failure to report change; violation; penalty; nonappealability.

Sec. 315. (1) An operator or chauffeur who changes his or her residence before the expiration of a license granted under this chapter shall immediately notify the secretary of state of his or her new residence address. A change of address notification shall be in a manner prescribed by the secretary of state and may include notification by personally appearing at a branch office of the secretary of state or other location designated by the secretary of state, or a notification by mail, telephone, electronically, by submitting a voter registration application unless the person registers to vote in a city, village, or township that prohibits the operation of motor vehicles by law or ordinance, or by any other means prescribed by

the secretary of state. The secretary of state shall provide the person changing his or her residence address the notice required by section 307(1)(c) that, under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this change of address application as the person's residence address on the qualified voter file for voter registration and voting. However, a person may submit to the secretary of state a mailing address that is different than his or her residence address.

(2) Upon receiving a change of address notification, the secretary of state shall change the person's driver license record to indicate the new residence address. The secretary of state shall provide the person with a new license or a label or some other mechanism containing the new residence address. Upon receipt of the label or other mechanism, the person shall affix the label or mechanism to his or her operator's or chauffeur's license as prescribed by the secretary of state. If the secretary of state furnished the person with a new license, the person shall destroy his or her old license and replace it with the new license.

(3) If a person fails to report a change of his or her residence address as required under this section and subsequently there is no response to a notice mailed to the residence address shown by the record of the secretary of state or if the person has provided the secretary of state a mailing address different from his or her residence address and there is no response to a notice mailed to that mailing address, the secretary of state may immediately suspend or revoke his or her license. A person who fails to report a change of his or her residence address is responsible for a civil infraction.

(4) A person shall not knowingly report a change of address to the secretary of state for himself or herself that is not his or her residence address. A person shall not knowingly report a change of address to the secretary of state for another person without the consent of the other person. A person who is convicted of a violation of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$1,000.00, or both. Upon receiving the abstract of a conviction under this subsection, the secretary of state may suspend the person's operator's or chauffeur's license for 6 months. The secretary of state shall not issue a restricted license to the person during the suspension.

(5) Upon a second or subsequent conviction under subsection (4), a person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$5,000.00, or both. Upon receiving the abstract of a second or subsequent conviction under subsection (4), the secretary of state shall revoke the person's operator's or chauffeur's license.

(6) The suspension or revocation of an operator's or chauffeur's license under subsection (4) or (5) is not appealable under section 323.

257.318 Suspension or revocation of license of person convicted or determined responsible for violation in another state.

Sec. 318. The secretary of state may suspend or revoke the license issued under this act upon receiving notice of the conviction of that person in another state of an offense in that state, or the determination of responsibility of that person in an administrative adjudication in another state for a violation in that state which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

257.511 Nonpayment of judgment; certification to secretary of state; nonresidents.

Sec. 511. (1) If a person fails within 30 days to satisfy a judgment, the clerk of the court, or of the judge of a court that has no clerk, in which the judgment is rendered shall forward to the secretary of state immediately upon the request of the plaintiff or plaintiff's attorney after the expiration of 30 days an abstract of the court record of the judgment properly certified, on forms supplied by the department.

(2) Failure, refusal, or neglect to comply with subsection (1) constitutes misconduct in office and is grounds for removal from office.

(3) If the defendant named in an abstract of court record reported to the secretary of state under subsection (1) is a nonresident, the secretary of state shall transmit a certified copy of the abstract of court record to the official in charge of issuing licenses and registration certificates of the state in which the defendant resides.

257.728 Arrest without warrant; preparation and contents of citation; informing offender of violation; arraignment before magistrate or probate court; appearance; guaranteed appearance certificate or deposit; fees; violation by officer or magistrate; issuance of citation to operator involved in accident; issuance of citation to person operating commercial motor vehicle.

Sec. 728. (1) When a person is arrested without a warrant for a violation of this act punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 617, 619, or 727, the arresting officer shall prepare, as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court containing the name and address of the person, the violation charged, and the time and place when and where the person shall appear in court. The officer shall inform the offender of the violation and shall give the second copy of the citation to the alleged offender. If the arrested person demands, he or she shall be arraigned by a magistrate or probate court as provided in section 727 in lieu of being given the citation.

(2) The time specified in the citation to appear shall be within a reasonable time after the arrest.

(3) The place specified in the citation to appear shall be before a magistrate or probate court within the county in which the violation charged is alleged to have been committed and who has jurisdiction of the violation.

(4) Appearance may be made in person, by representation, or by mail. If appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purposes of arraignment, with the same effect as though the person personally appeared before him or her. The magistrate, by giving 5 days' notice of the date of appearance, may require appearance in person at the time and place designated in the citation.

(5) If a nonresident is arrested without warrant for a violation of this act that is punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 727, the arresting officer, upon demand of the arrested person, immediately shall take the person for arraignment by a magistrate in the vicinity to answer to the complaint made against the person. If a magistrate is not available or an immediate trial cannot be had, the person arrested may recognize to the officer for his or her appearance by leaving with the officer a guaranteed appearance certificate or a sum of money not to exceed \$100.00, in which case the following provisions apply:

(a) The officer making the arrest shall give a receipt to the person arrested for the guaranteed appearance certificate or the money deposited together with a written citation as provided in subsection (1).

(b) If the alleged offender fails to appear as required in the citation, the guaranteed appearance certificate or deposit shall be forfeited as in other cases of default in bail in addition to any other penalty provided in this chapter.

(c) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money either to the magistrate

named in the citation together with a report of the facts relating to the arrest, or to the police chief or person authorized by the police chief to receive certificates and deposits. The police chief or person authorized by the police chief shall deposit with the court the certificate or the money deposited and the citation in the same manner as prescribed for citations in section 728a. Failure to make a report and deliver the money deposited is embezzlement of public money.

(d) “Guaranteed appearance certificate” means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of trial or sentencing or to pay any fines or costs imposed under this act, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

(6) An officer making an arrest under this chapter for a misdemeanor without a warrant, except under section 727, is not entitled to any fees for making the arrest or the issuance of a citation under this section.

(7) An officer or magistrate who violates this section is guilty of misconduct in office and subject to removal from office.

(8) A police officer may issue a citation to a person who is an operator of a motor vehicle involved in an accident if, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a misdemeanor under this act in connection with the accident. The officer shall prepare an original and 3 copies of the citation, setting forth the name and address of the person, the violation that may be charged against the person, and the time and place of the appearance of the person in court. The citation shall inform the person of the office, bureau, or department to which requests for a change or adjournment of the court date may be made.

(9) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain the vehicle group designation and indorsement description of the vehicle operated by the person at the time of the alleged violation.

257.749 Stopping nonresident for civil infraction; taking operator’s or chauffeur’s license as security for appearance; delivery of license to court, police chief, or authorized person; depositing driver’s license and citation with court; contempt; arrest; guaranteed appearance certificate or deposit; answering before magistrate; return or retention of license; receipt; failure to deliver money deposited as embezzlement; default judgment; forfeiture of certificate or money deposited; “guaranteed appearance certificate” defined.

Sec. 749. (1) When a nonresident is stopped under section 742 for a civil infraction, the police officer making the stop shall take that person’s operator’s license or chauffeur’s license as security for the nonresident’s appearance in court and satisfaction of any order that may be issued under section 907 and shall issue to that person a citation as provided in sections 727c and 742. At or before the completion of his or her tour of duty, a police officer taking the operator’s license or chauffeur’s license shall deliver that license either to the court named in the citation or to the police chief or person authorized by the police chief to receive citations and operator’s licenses and chauffeur’s licenses. The police chief or person authorized shall deposit the license and citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the license shall be considered contempt of court. If the person does not have an operator’s license or a chauffeur’s license in immediate possession

in violation of section 301 or a license or the receipt described in section 311a in violation of section 311, the officer shall arrest that person under section 727(d).

(2) In lieu of the officer's taking of the license under subsection (1) or before appearance in court, the person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the court a guaranteed appearance certificate or a sum of money not to exceed \$100.00 as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 747 but the defendant's license shall be retained by the court until final resolution of the matter unless the defendant leaves with the court the guaranteed appearance certificate or deposit as provided in subsection (2) as security for appearance at the scheduled formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit of money under subsection (2) shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation required under subsection (1).

(5) At or before the completion of his or her tour of duty a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation, or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized shall deposit the certificate or the money deposited and the citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the money deposited shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered under section 907.

(7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed under section 907, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

257.801 Registration taxes on vehicles; schedules; computation; exemption from ad valorem taxes on vehicles in stock or bond; increase and disposition of certain taxes; late fee; definitions.

Sec. 801. (1) The secretary of state shall collect the following taxes at the time of registering a vehicle, which shall exempt the vehicle from all other state and local taxation, except the fees and taxes provided by law to be paid by certain carriers operating motor

vehicles and trailers under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43; the taxes imposed by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to 207.234; and except as otherwise provided by this act:

(a) For a motor vehicle, including a motor home, except as otherwise provided, and a pickup truck or van that weighs not more than 8,000 pounds, except as otherwise provided, according to the following schedule of empty weights:

Empty weights	Tax
0 to 3,000 pounds.....	\$ 29.00
3,001 to 3,500 pounds.....	32.00
3,501 to 4,000 pounds.....	37.00
4,001 to 4,500 pounds.....	43.00
4,501 to 5,000 pounds.....	47.00
5,001 to 5,500 pounds.....	52.00
5,501 to 6,000 pounds.....	57.00
6,001 to 6,500 pounds.....	62.00
6,501 to 7,000 pounds.....	67.00
7,001 to 7,500 pounds.....	71.00
7,501 to 8,000 pounds.....	77.00
8,001 to 8,500 pounds.....	81.00
8,501 to 9,000 pounds.....	86.00
9,001 to 9,500 pounds.....	91.00
9,501 to 10,000 pounds.....	95.00
over 10,000 pounds	\$ 0.90 per 100 pounds of empty weight

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year that preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency. A van that is owned by an individual who uses a wheelchair or by an individual who transports a member of his or her household who uses a wheelchair and for which registration plates are issued under section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(b) For a trailer coach attached to a motor vehicle, the tax shall be assessed as provided in subdivision (l). A trailer coach not under 1959 PA 243, MCL 125.1035 to 125.1043, and while located on land otherwise assessable as real property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, if the trailer coach is used as a place of habitation, and whether or not permanently affixed to the soil, is not exempt from real property taxes.

(c) For a road tractor, truck, or truck tractor owned by a farmer and used exclusively in connection with a farming operation, including a farmer hauling livestock or farm equipment for other farmers for remuneration in kind or in labor, but not for money, or used for the transportation of the farmer and the farmer's family, and not used for hire, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. If the road tractor, truck, or truck tractor owned by a farmer is also used for a nonfarming operation, the farmer is subject to the highest registration tax applicable to the nonfarm use of the vehicle but is not subject to more than 1 tax rate under this act.

(d) For a road tractor, truck, or truck tractor owned by a wood harvester and used exclusively in connection with the wood harvesting operations or a truck used exclusively to

haul milk from the farm to the first point of delivery, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. A registration secured by payment of the tax prescribed in this subdivision continues in full force and effect until the regular expiration date of the registration. As used in this subdivision:

(i) “Wood harvester” includes the person or persons hauling and transporting raw materials in the form produced at the harvest site or hauling and transporting wood harvesting equipment. Wood harvester does not include a person or persons whose primary activity is tree-trimming or landscaping.

(ii) “Wood harvesting equipment” includes all of the following:

(A) A vehicle that directly harvests logs or timber, including, but not limited to, a processor or a feller buncher.

(B) A vehicle that directly processes harvested logs or timber, including, but not limited to, a slasher, delimber, processor, chipper, or saw table.

(C) A vehicle that directly processes harvested logs or timber, including, but not limited to, a forwarder, grapple skidder, or cable skidder.

(D) A vehicle that directly loads harvested logs or timber, including, but not limited to, a knuckle-boom loader, front-end loader, or forklift.

(E) A bulldozer or road grader being transported to a wood harvesting site specifically for the purpose of building or maintaining harvest site roads.

(iii) “Wood harvesting operations” does not include the transportation of processed lumber, Christmas trees, or processed firewood for a profit making venture.

(e) For a hearse or ambulance used exclusively by a licensed funeral director in the general conduct of the licensee’s funeral business, including a hearse or ambulance whose owner is engaged in the business of leasing or renting the hearse or ambulance to others, \$1.17 per 100 pounds of the empty weight of the hearse or ambulance.

(f) For a vehicle owned and operated by this state, a state institution, a municipality, a privately incorporated, nonprofit volunteer fire department, or a nonpublic, nonprofit college or university, \$5.00 per plate. A registration plate issued under this subdivision expires on June 30 of the year in which new registration plates are reissued for all vehicles by the secretary of state.

(g) For a bus including a station wagon, carryall, or similarly constructed vehicle owned and operated by a nonprofit parents’ transportation corporation used for school purposes, parochial school or society, church Sunday school, or any other grammar school, or by a nonprofit youth organization or nonprofit rehabilitation facility; or a motor vehicle owned and operated by a senior citizen center, \$10.00, if the bus, station wagon, carryall, or similarly constructed vehicle or motor vehicle is designated by proper signs showing the organization operating the vehicle.

(h) For a vehicle owned by a nonprofit organization and used to transport equipment for providing dialysis treatment to children at camp; for a vehicle owned by the civil air patrol, as organized under 36 USC 40301 to 40307, \$10.00 per plate, if the vehicle is designated by a proper sign showing the civil air patrol’s name; for a vehicle owned and operated by a nonprofit veterans center; for a vehicle owned and operated by a nonprofit recycling center or a federally recognized nonprofit conservation organization; for a motor vehicle having a truck chassis and a locomotive or ship’s body that is owned by a nonprofit veterans organization and used exclusively in parades and civic events; or for an emergency support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization, \$10.00 per plate.

(i) For each truck owned and operated free of charge by a bona fide ecclesiastical or charitable corporation, or red cross, girl scout, or boy scout organization, 65 cents per 100 pounds of the empty weight of the truck.

(j) For each truck, weighing 8,000 pounds or less, and not used to tow a vehicle, for each privately owned truck used to tow a trailer for recreational purposes only and not involved in a profit making venture, and for each vehicle designed and used to tow a mobile home or a trailer coach, except as provided in subdivision (b), \$38.00 or an amount computed according to the following schedule of empty weights, whichever is greater:

Empty weights	Per 100 pounds
0 to 2,500 pounds.....	\$ 1.40
2,501 to 4,000 pounds.....	1.76
4,001 to 6,000 pounds.....	2.20
6,001 to 8,000 pounds.....	2.72
8,001 to 10,000 pounds.....	3.25
10,001 to 15,000 pounds.....	3.77
15,001 pounds and over.....	4.39

If the tax required under subdivision (p) for a vehicle of the same model year with the same list price as the vehicle for which registration is sought under this subdivision is more than the tax provided under the preceding provisions of this subdivision for an identical vehicle, the tax required under this subdivision is not less than the tax required under subdivision (p) for a vehicle of the same model year with the same list price.

(k) For each truck weighing 8,000 pounds or less towing a trailer or any other combination of vehicles and for each truck weighing 8,001 pounds or more, road tractor or truck tractor, except as provided in subdivision (j) according to the following schedule of elected gross weights:

Elected gross weight	Tax
0 to 24,000 pounds.....	\$ 491.00
24,001 to 26,000 pounds.....	558.00
26,001 to 28,000 pounds.....	558.00
28,001 to 32,000 pounds.....	649.00
32,001 to 36,000 pounds.....	744.00
36,001 to 42,000 pounds.....	874.00
42,001 to 48,000 pounds.....	1,005.00
48,001 to 54,000 pounds.....	1,135.00
54,001 to 60,000 pounds.....	1,268.00
60,001 to 66,000 pounds.....	1,398.00
66,001 to 72,000 pounds.....	1,529.00
72,001 to 80,000 pounds.....	1,660.00
80,001 to 90,000 pounds.....	1,793.00
90,001 to 100,000 pounds.....	2,002.00
100,001 to 115,000 pounds.....	2,223.00
115,001 to 130,000 pounds.....	2,448.00
130,001 to 145,000 pounds.....	2,670.00
145,001 to 160,000 pounds.....	2,894.00
over 160,000 pounds	3,117.00

For each commercial vehicle registered under this subdivision, \$15.00 shall be deposited in a truck safety fund to be expended for the purposes prescribed in section 25 of 1951 PA 51, MCL 247.675.

If a truck or road tractor without trailer is leased from an individual owner-operator, the lessee, whether a person, firm, or corporation, shall pay to the owner-operator 60% of the tax prescribed in this subdivision for the truck tractor or road tractor at the rate of 1/12 for each month of the lease or arrangement in addition to the compensation the owner-operator is entitled to for the rental of his or her equipment.

(l) For each pole trailer, semitrailer, trailer coach, or trailer, the tax shall be assessed according to the following schedule of empty weights:

Empty weights	Tax
0 to 2,499 pounds.....	\$ 75.00
2,500 to 9,999 pounds.....	200.00
10,000 pounds and over.....	300.00

The registration plate issued under this subdivision expires only when the secretary of state reissues a new registration plate for all trailers. Beginning October 1, 2005, if the secretary of state reissues a new registration plate for all trailers, a person who has once paid the tax as increased by 2003 PA 152 for a vehicle under this subdivision is not required to pay the tax for that vehicle a second time, but is required to pay only the cost of the reissued plate at the rate provided in section 804(2) for a standard plate. A registration plate issued under this subdivision is nontransferable.

(m) For each commercial vehicle used for the transportation of passengers for hire except for a vehicle for which a payment is made under 1960 PA 2, MCL 257.971 to 257.972, according to the following schedule of empty weights:

Empty weights	Per 100 pounds
0 to 4,000 pounds.....	\$ 1.76
4,001 to 6,000 pounds.....	2.20
6,001 to 10,000 pounds.....	2.72
10,001 pounds and over.....	3.25

(n) For each motorcycle \$ 23.00

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year that preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency.

Beginning January 1, 1984, the registration tax for each motorcycle is increased by \$3.00. The \$3.00 increase is not part of the tax assessed under this subdivision for the purpose of the annual October 1 revisions but is in addition to the tax assessed as a result of the annual October 1 revisions. Beginning January 1, 1984, \$3.00 of each motorcycle fee shall be placed in a motorcycle safety fund in the state treasury and shall be used only for funding the motorcycle safety education program as provided for under sections 312b and 811a.

(o) For each truck weighing 8,001 pounds or more, road tractor, or truck tractor used exclusively as a moving van or part of a moving van in transporting household furniture and household effects or the equipment or those engaged in conducting carnivals, at the rate of 80% of the schedule of elected gross weights in subdivision (k) as modified by the operation of that subdivision.

(p) After September 30, 1983, each motor vehicle of the 1984 or a subsequent model year as shown on the application required under section 217 that has not been previously subject to the tax rates of this section and that is of the motor vehicle category otherwise subject

to the tax schedule described in subdivision (a), and each low-speed vehicle according to the following schedule based upon registration periods of 12 months:

(i) Except as otherwise provided in this subdivision, for the first registration that is not a transfer registration under section 809 and for the first registration after a transfer registration under section 809, according to the following schedule based on the vehicle's list price:

List Price	Tax
\$ 0 - \$ 6,000.00	\$ 30.00
More than \$ 6,000.00 - \$ 7,000.00	\$ 33.00
More than \$ 7,000.00 - \$ 8,000.00	\$ 38.00
More than \$ 8,000.00 - \$ 9,000.00	\$ 43.00
More than \$ 9,000.00 - \$ 10,000.00	\$ 48.00
More than \$ 10,000.00 - \$ 11,000.00	\$ 53.00
More than \$ 11,000.00 - \$ 12,000.00	\$ 58.00
More than \$ 12,000.00 - \$ 13,000.00	\$ 63.00
More than \$ 13,000.00 - \$ 14,000.00	\$ 68.00
More than \$ 14,000.00 - \$ 15,000.00	\$ 73.00
More than \$ 15,000.00 - \$ 16,000.00	\$ 78.00
More than \$ 16,000.00 - \$ 17,000.00	\$ 83.00
More than \$ 17,000.00 - \$ 18,000.00	\$ 88.00
More than \$ 18,000.00 - \$ 19,000.00	\$ 93.00
More than \$ 19,000.00 - \$ 20,000.00	\$ 98.00
More than \$ 20,000.00 - \$ 21,000.00	\$ 103.00
More than \$ 21,000.00 - \$ 22,000.00	\$ 108.00
More than \$ 22,000.00 - \$ 23,000.00	\$ 113.00
More than \$ 23,000.00 - \$ 24,000.00	\$ 118.00
More than \$ 24,000.00 - \$ 25,000.00	\$ 123.00
More than \$ 25,000.00 - \$ 26,000.00	\$ 128.00
More than \$ 26,000.00 - \$ 27,000.00	\$ 133.00
More than \$ 27,000.00 - \$ 28,000.00	\$ 138.00
More than \$ 28,000.00 - \$ 29,000.00	\$ 143.00
More than \$ 29,000.00 - \$ 30,000.00	\$ 148.00

More than \$30,000.00, the tax of \$148.00 is increased by \$5.00 for each \$1,000.00 increment or fraction of a \$1,000.00 increment over \$30,000.00. If a current tax increases or decreases as a result of 1998 PA 384, only a vehicle purchased or transferred after January 1, 1999 shall be assessed the increased or decreased tax.

(ii) For the second registration, 90% of the tax assessed under subparagraph (i).

(iii) For the third registration, 90% of the tax assessed under subparagraph (ii).

(iv) For the fourth and subsequent registrations, 90% of the tax assessed under subparagraph (iii).

For a vehicle of the 1984 or a subsequent model year that has been previously registered by a person other than the person applying for registration or for a vehicle of the 1984 or a subsequent model year that has been previously registered in another state or country and is registered for the first time in this state, the tax under this subdivision shall be determined by subtracting the model year of the vehicle from the calendar year for which the registration is sought. If the result is zero or a negative figure, the first registration tax shall be paid. If the result is 1, 2, or 3 or more, then, respectively, the second, third, or subsequent registration tax shall be paid. A van that is owned by an individual who uses a wheelchair or by an individual who transports a member of his or her household who uses a wheelchair and for which registration plates are issued under section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(q) For a wrecker, \$200.00.

(r) When the secretary of state computes a tax under this section, a computation that does not result in a whole dollar figure shall be rounded to the next lower whole dollar when the computation results in a figure ending in 50 cents or less and shall be rounded to the next higher whole dollar when the computation results in a figure ending in 51 cents or more, unless specific taxes are specified, and the secretary of state may accept the manufacturer's shipping weight of the vehicle fully equipped for the use for which the registration application is made. If the weight is not correctly stated or is not satisfactory, the secretary of state shall determine the actual weight. Each application for registration of a vehicle under subdivisions (j) and (m) shall have attached to the application a scale weight receipt of the vehicle fully equipped as of the time the application is made. The scale weight receipt is not necessary if there is presented with the application a registration receipt of the previous year that shows on its face the weight of the motor vehicle as registered with the secretary of state and that is accompanied by a statement of the applicant that there has not been a structural change in the motor vehicle that has increased the weight and that the previous registered weight is the true weight.

(2) A manufacturer is not exempted under this act from paying ad valorem taxes on vehicles in stock or bond, except on the specified number of motor vehicles registered. A dealer is exempt from paying ad valorem taxes on vehicles in stock or bond.

(3) Until October 1, 2009, the tax for a vehicle with an empty weight over 10,000 pounds imposed under subsection (1)(a) and the taxes imposed under subsection (1)(c), (d), (e), (f), (i), (j), (m), (o), and (p) are each increased as follows:

(a) A regulatory fee of \$2.25 that shall be credited to the traffic law enforcement and safety fund created in section 819a and used to regulate highway safety.

(b) A fee of \$5.75 that shall be credited to the transportation administration collection fund created in section 810b.

(4) If a tax required to be paid under this section is not received by the secretary of state on or before the expiration date of the registration plate, the secretary of state shall collect a late fee of \$10.00 for each registration renewed after the expiration date. An application for a renewal of a registration using the regular mail and postmarked before the expiration date of that registration shall not be assessed a late fee. The late fee collected under this subsection shall be deposited into the general fund.

(5) As used in this section:

(a) "Gross proceeds" means that term as defined in section 1 of the general sales tax act, 1933 PA 167, MCL 205.51, and includes the value of the motor vehicle used as part payment of the purchase price as that value is agreed to by the parties to the sale, as evidenced by the signed agreement executed under section 251.

(b) "List price" means the manufacturer's suggested base list price as published by the secretary of state, or the manufacturer's suggested retail price as shown on the label required to be affixed to the vehicle under 15 USC 1232, if the secretary of state has not at the time of the sale of the vehicle published a manufacturer's suggested retail price for that vehicle, or the purchase price of the vehicle if the manufacturer's suggested base list price is unavailable from the sources described in this subdivision.

(c) "Purchase price" means the gross proceeds received by the seller in consideration of the sale of the motor vehicle being registered.

257.814 Use tax; collection; disposition; collection upon registration of nonresident vehicle in this state.

Sec. 814. (a) If it appears to the secretary of state that a motor vehicle was purchased by an applicant in a state other than this state, unless the applicant produces a certificate

of title issued to the applicant under the laws of that state, or a certificate of registration or registered bill of sale issued under the laws of another state showing the applicant for a Michigan certificate of title to have resided in the state that issued the certificate of title, certificate of registration, or registered bill of sale, the secretary of state shall conduct an investigation of the purchase and sale and of the title to the motor vehicle. If the secretary of state is satisfied that the applicant is the owner of the motor vehicle, or is otherwise entitled to register the motor vehicle in the applicant's name, the secretary of state shall issue to the applicant an appropriate certificate of title under section 217. Before the secretary of state issues the certificate of title, the applicant shall attach to the application a statement showing the amount of use tax due upon the motor vehicle described in the application on a form prescribed by the state treasurer, together with the amount of the use tax due upon the motor vehicle, under the use tax act, 1937 PA 94, MCL 205.91 to 205.111. However, if the motor vehicle is exempt by law from the payment of use tax, no use tax shall be paid.

(b) The secretary of state shall transmit the statement and the funds collected under subdivision (a) covering the payment of the use tax to the state treasurer. The secretary of state shall not issue a certificate of title for a motor vehicle until the requirements of this section are satisfied. An owner of a motor vehicle purchased outside of this state who paid the use tax to the secretary of state under this section is not required to comply with sections 6, 7, and 8 of the use tax act, 1937 PA 94, MCL 205.96, 205.97, and 205.98.

(c) An owner of a motor vehicle purchased from a Michigan dealer in this state without application of sales tax due to an exemption under section 4a of the general sales tax act, 1933 PA 167, MCL 205.54a, who later by reason of storage or use is required to register the vehicle in this state shall pay a use tax at the time of registration, computed on the retail dollar value of a like vehicle, except when the motor vehicle is exempt from the use tax. The secretary of state shall use as his or her guide the retail dollar value from the current issue of any nationally recognized used vehicle guide for financial institution appraisal purposes in this state.

257.819 Disposition and use of revenues from increases in fees.

Sec. 819. (1) Except as provided in subsections (2) and (3), revenue from the increases in fees provided in 1987 PA 232 shall be deposited in the transportation economic development fund established in section 2 of 1987 PA 231, MCL 247.902, and shall not be appropriated for any other purpose in any act making appropriations of state funds.

(2) For the fiscal year ending September 30, 1989, and each fiscal year thereafter, of the revenue from the increases in fees provided in 1987 PA 232, \$2,500,000.00 shall be deposited in the state treasury and credited to the general fund, except that not more than \$1,000,000.00 shall be credited to the gasoline inspection and testing fund established in section 8 of the motor fuels quality act, 1984 PA 44, MCL 290.648.

This act is ordered to take immediate effect.

Approved February 15, 2008.

Filed with Secretary of State February 15, 2008.

[No. 8]

(SB 92)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into

the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 12101, 12102, 12103, 12105, 12107, 12111, 12112, and 12113 (MCL 324.12101, 324.12102, 324.12103, 324.12105, 324.12107, 324.12111, 324.12112, and 324.12113), sections 12101 and 12102 as amended by 2001 PA 165, sections 12103 and 12112 as amended by 2007 PA 75, and sections 12105 and 12107 as amended by 1998 PA 140, and by adding section 12102a.

The People of the State of Michigan enact:

324.12101 Definitions; B to L.

Sec. 12101. As used in this part:

(a) “Biofuel” means any renewable liquid or gas fuel offered for sale as a fuel that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol, ethanol-blended fuel, biodiesel, and biodiesel blends.

(b) “Biogas” means a biofuel that is a gas.

(c) “Brine” means a liquid produced as a by-product of oil or natural gas production or exploration.

(d) “Container” means any portable device in which a liquid industrial waste is stored, transported, treated, or otherwise handled.

(e) “Department” means the department of environmental quality.

(f) “Designated facility” means a treatment facility, storage facility, disposal facility, or reclamation facility that receives liquid industrial waste from off-site.

(g) “Director” means the director of the department.

(h) “Discarded” means any of the following:

(i) Abandoned by being disposed of, burned, or incinerated; or accumulated, stored, or treated before, or instead of, being abandoned.

(ii) Accumulated, stored, or treated before being managed in 1 of the following ways:

(A) By being used or reused in a manner constituting disposal by being applied to or placed on land or by being used to produce products that are applied to or placed on land.

(B) By being burned to recover energy or used to produce a fuel.

(C) By reclamation.

(i) “Discharge” means the accidental or intentional spilling, leaking, pumping, releasing, pouring, emitting, emptying, or dumping of liquid industrial waste into the land, air, or water.

(j) “Disposal” means the abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing of a liquid industrial waste into or on land or water in such a manner that the liquid industrial waste may enter the environment, or be emitted into the air, or discharged into surface water or groundwater.

(k) “Disposal facility” means a facility or a part of a facility at which liquid industrial waste is disposed.

(l) “Facility” means all contiguous land and structures, other appurtenances, and improvements on land for treating, storing, disposing of, or reclamation of liquid industrial waste.